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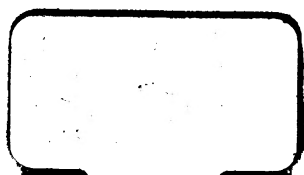
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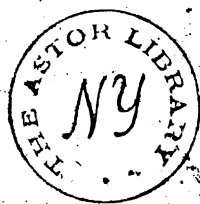
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AN
(Devonshire)

Grove





*To the Right Honourable
 William the IV. Marquis of Hartington
 This Effigie of his truly Noble and Illustrious Grandfather
 is humbly Inscribed by his Lordship's
 Most Obedient & Devoted Serv^t J. Groom*

Richmond 25. of Octo. 1763.

T H E
L I V E S
OF ALL THE
EARLS and DUKES
O F
DEVONSHIRE,

Descended from the Renowned

Sir WILLIAM CAVENDISH,
One of the PRIVY COUNSELLORS
to King HENRY VIII.

ILLUSTRATED

With REFLECTIONS and OBSERVATIONS on the
most striking Passages in each Life:

INTERSPERSED

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and GENEALOGIES of several Great and Eminent
Men, their Contemporaries;

To which is added,

A short Account of the Rise, Progress, and Present State
of the High Court of CHANCERY.

By Mr. *GROVE*, of *Richmond*.

L O N D O N,

Printed for the AUTHOR:

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TO HIS GRACE
WILLIAM the IVth,
Duke of DEVONSHIRE,

&c. &c. &c.

My LORD,

THERE are a great many Families in the world, of whom nothing more can be said, than what is recorded of some of the Antediluvian Patriarchs, to wit, that they lived so many years, and then died. That Writer pays but a wretched compliment to his Patron, who takes a vast deal of pains to trace out his pedigree from a long line of insignificant ancestors; or, perhaps, in order to embellish so dry and barren a subject, sets his inventive faculty at work, and attributes those virtues to them which their contemporaries were utter strangers to. The Compiler of the following Memoirs is under no necessity of making use of such mean and despicable artifices. The *British Annals*, as well as other pieces, afford matter enough to any one who shall attempt to give an account of the illustrious Family of CAVENDISH, whose

private as well as public virtues have rendered them a blessing to their country.

Others, indeed, have undertaken to write on the same head; but then they have either superficially touched, or entirely passed over, such incidents, as not only deserved to be had in eternal remembrance, but to be handed down to posterity in the masterly stile of a *Pliny*. For this reason, I was induced to *collect all the scattered materials** I could possibly meet with, and to place them in a regular series, with such reflections interspersed, as naturally occurred on the striking passages of each particular Life. Though the Structure I have raised from hence has no beauty nor elegance to boast of, yet, at least it may claim the merit of strength and solidity, as it has truth for its basis. One of the principal motives for my engaging in a Work of this nature, may be seen in the historical Account prefixed to the Genuine Life of Cardinal WOLSEY, written by your Grace's virtuous, and therefore truly noble, Ancestor, Sir WILLIAM CAVENDISH, of whose Descendants it may be justly said, what, I believe, can be

* It is humbly presumed, that the picking up such materials may not be improperly compared to a *ship-wreck*, the planks of which (says the great Lord Bacon) *industrious and wise men snatch up, and preserve them from the deluge of Time.*

said

said of few Families, which have continued in an uninterrupted succession for so long a course of years, that there cannot be a single instance produced of any one of them who has degenerated from the bright example he set them.

How largely might I here expatiate on those topics which seem peculiar to Dedications! This I could do, perhaps, with much better address; and, I am sure, with far more truth, than some I could mention. But we find by experience, that these Flowers of Rhetoric, which are so lavishly bestowed, tho' at first they may please for their novelty, yet, like natural ones, they soon fade and become nauseous. This, in short, is no place for Panegyric; and indeed it would be a piece of impertinence to inform the Public, who, or what the Duke of DEVONSHIRE is. Let your Grace's own actions tell the world what you have been, and what it may still expect from one, who has already given us so many specimens of his unshaken Loyalty and inflexible Patriotism; and I have sufficient reason, even now in the decline of life, to flatter myself, that I may live long enough to see you give us a good many more.

I shall, therefore, conclude with just intimating, that, as the following Performance

was

iv DEDICATION.

was intended not so much to do honour to your Grace, as to excite others to an emulation of those Virtues which have rendered your Family more illustrious than your splendid titles and ample fortune, I make no doubt but that, notwithstanding all its defects and inaccuracies, it will not be thought wholly unworthy of your Patronage. This I can assure your Grace, that nothing will give me a greater pleasure than to have an opportunity of expatiating on the same subject, or at least in collecting materials for those who will certainly undertake the like task when I am no more. In the interim, I beg that you will believe me to be, with the profoundest veneration,

May it please YOUR GRACE,

YOUR GRACE's most dutiful,

Most humble,

and devoted Servant,

Richmond,
October 25, 1763.

JOSEPH GROVE.

INTRODUCTION.

SOME Authors think, they cannot pay an higher compliment to a great Man, than by tracing out his pedigree for many ages backward. I am informed by a Gentleman, who has resided for many years among the *Spaniards*, and is well acquainted both with their language and histories, that a certain Historian, who dedicated his work to the Emperor *Charles V*, in order to prove that that Prince was the most antient, and consequently the most respectable Monarch in the world, drew out a long genealogical table, wherein his origin was drawn in a direct line from *Adam*. This, he told me, was looked upon, by the common people, as a most admirable performance, tho' it afforded matter of ridicule enough to every one who reflected, that, if Nobility be owing to nothing else but antient descent, the meanest beggar upon earth has as good a title to it as the greatest Prince*.

* So true it is, what our late excellent Poet, *Pope*, observes :

“ Boast the pure blood of an illustrious race,
In quiet flow from *Lucrece* to *Lucrece* ;
But by your father's worth if your's you rate,
Count me those only who were good and great.
Go ! if your ancient, but ignoble blood
Has crept thro' scoundrels ever since the flood,
Go ! and pretend your family is young ;
Nor own, your fathers have been fools so long,
What can ennoble sots, or slaves, or cowards ?
Alas ! not all the blood of all the *Howards*.”

viii. I N T R O D U C T I O N.

To dwell no longer, therefore, on a point, which will admit of no dispute, it may suffice just to intimate, that nothing can truly ennoble a man but virtue. The loftiest titles only serve to render more infamous and contemptible, the man who shews, by his deportment, that he is unworthy of them. *Every one* (according to the significant *Spanish* proverb,) *is the son of his own actions* *: And who would not look with more veneration on one, who has proved a blessing to mankind, though perhaps of so obscure an original that he never knew his own father, than on one who has nothing else to boast of, except a Coronet inherited from his ancestors.

I was not led into these reflections from the least disrespect to antient Nobility. On the contrary, I am firmly persuaded, that a Nobleman, distinguished no less for his virtues than his titles, may do infinitely more good in the world than a common Plebeian, supposing him to be of equal merit.

Of this we cannot desire a stronger instance, than the truly illustrious Family we have here undertaken to give an account of, which can vie with the noblest in this Kingdom for antiquity; and, what is far more to their honour, can be paralleled by few, for those virtues which dignify human nature.

To enter on our subject, without any farther preamble. It appears, with sufficient evidence, that, notwithstanding the violences committed by *William the Norman*, commonly, though falsely stiled *the Conqueror*, in stripping most of the *English* Gentry of their antient demesnes, yet many of them were suffered to keep possession, having not only recognized his title, and conformed to his Feudal Laws, but intermarried with his principal followers. Of this number, the House of CAVENDISH seems to have been, who, on the female side, were the an-

* *Cada uno es hijo de sus obras.*

INTRODUCTION. ix

cestors of the noble Family we are now treating of; but on the male side descended from the *Gernons*, who took their name from *Gernon Castle*, being lineally descended from *Robert de Gernon*, who came over in the *Norman* invasion, and for his good services had several Lordships bestowed upon him. This brave adventurer was no less distinguished for his piety than his courage; for we find in old Records, that, besides the church of *St. Peter in Gloucester*, he endowed two others with the revenues of certain lands, which he gave in perpetuity, for the better support of those who attended divine service. His son married a daughter of Sir *William Sackville*, lineal ancestor of his Grace the Duke of *Dorset*; which shews the early affinity between two of the noblest families we have now in *England*. By this Lady he had issue *Ralph de Gernon*, who left one son, from whom descended Sir *Ralph* and *Geoffrey*.

Before we proceed any farther, it may not be improper just to intimate, that, in the foregoing short geneological account, which we have endeavoured to trace back for near seven hundred years, it cannot be expected that we should be able to ascertain the dates, or give a minute detail of every particular person therein mentioned; nor indeed does our present design require any such exactness. But as we are now come to that period, wherein the name of *GERNON* was lost in that of *CAVENDISH*, which it has ever since retained, and some interesting matters offer themselves, which do great honour to this noble Race, we shall be somewhat more circumstantial.

With regard to the two last persons we mentioned, to wit, Sir *Ralph* and *Geoffrey*; the former, having left no issue, was succeeded by his brother, who, about the year 1300, in the reign of *Edward I.* had his residence at *Moor-hall*, in the Peak of *Derbyshire*. This Gentleman was succeeded by his son *Roger*, who married the daughter and heiress of *John Potton*,

x INTRODUCTION.

Lord of *Cavendish*, a village in *Suffolk*; which family seems, at that time, to have had larger possessions, and to be of more consequence in the county, than that of the *Gernons*: And this, we may presume, was the reason why *Roger* took the name of *Cavendish*. He died in the year 1318, and left four sons, who were seated at *Grinston-hall* in *Suffolk*, an estate belonging to their mother.

Sir *John Cavendish*, the eldest of these four sons, was bred to the Law, and held in such repute for his great learning and skill in his profession, that, in the forty-sixth year of *Edward III*, he was preferred to the high Office of Lord Chief Justice of *England*; wherein he behaved with such strict honour and integrity, as to be continued in the same post when *Richard II.* succeeded to the Throne.

It unfortunately happened, that this worthy Magistrate was in the country at the time when *Wat Tyler's* rebellion broke out, wherein such horrible outrages were committed, as will stand an eternal record, that no tyranny is so dreadful, nor so insupportable, as that of the rabble. These lawless miscreants, (who had first struck off the heads of several great personages, and then, with a wanton barbarity, fixed them on poles near to one another, that they might, as they scoffingly termed it, whisper each other in the ear,) having heard where the Chief Justice was, against him their malice was doubly enraged, on account of the inflexible integrity wherewith he executed his office, and because he was a learned and an able Lawyer. But what roused their vengeance most of all, was, the news they had heard of his gallant son, *John Cavendish*, having lately killed, in *Smithfield*, the Arch-rebel, *Wat Tyler*, whom they so much idolized; of which incident we shall speak in the next paragraph. They rushed like a torrent into the house where the venerable Judge lodged, dragged him from thence into the Market-place of
Bury,

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Bury, where they had dragged before the Prior of *St. Edmund's*, out of his Monastery, and there cruelly murdered both, by striking off their heads.

John Cavendish, Esq, eldest son of the Chief Justice, who thus fell a sacrifice to the sworn enemies of learning and virtue, had the honour of being bred up at Court, and was one of the Gentlemen of the Chamber to King *Richard II*, when *Wat Tyler* entered *London*, at the head of his tumultuous desperadoes, who were now got as far as *Smithfield*. The King, on hearing of this insurrection, set out from his palace at *Westminster*, in order to quell this insolent Rebel, attended by a proper guard, and part of his Court, among whom was Mr. *Cavendish*. His Majesty, being arrived at *Smithfield*, had the pleasure to see that he had still many loyal subjects left; for here he found Sir *John Walworth*, Lord Mayor of *London*, accompanied by a large body of Citizens compleatly armed, and ready to venture their lives in his service. Upon this, the Sword-Bearer, by his Royal Master's command, rode up to *Tyler*, attended by the Lord Mayor, and others, to demand the cause of this Rebellion; but the insolent Rebel, not thinking himself treated with reverence enough, received this message with a disdainful air; which so irritated the Mayor, that he first arrested him of High Treason, and, meeting with some resistance, struck him with his dagger; but being too old and too feeble to repeat the blow, Mr. *Cavendish* advanced, with his sword drawn, just as *Wat* was going to return it, and gave him his death's wound. It is to be regretted, that one who deserved to die by the hands of the hangman, should have fallen by such noble hands; but it was happy for the nation to get rid of such an incendiary by any means, as we find that the rabble, having lost their leader, were soon dispersed.

One

xii INTRODUCTION.

One of our old Historians, in speaking of this gallant action, is for dividing the honour between the Mayor and Mr. *Cavendish*. "If the haft (says he,) belonged to *Walworth*, the blade, or point of the sword, ought to be assigned to *Cavendish*;" intimating, as we apprehend, that, had not the feeble, tho' well intended stroke given by the Mayor, been instantly seconded by the more vigorous arm of *Cavendish*, the Traytor would not have been killed. But whatever share these two Gentlemen had in this gallant action, the King, it is certain, looked on both as well deserving some signal mark of his gratitude; for, in order to perpetuate the Mayor's loyalty, and that of his fellow citizens, he ordered that a dagger should be added to the arms of the city of *London*; and as to Mr. *Cavendish*, he was created a Knight Banneret on the spot; an honour never conferred, in those times, nor since, but on persons of the most distinguished merit, and on such extraordinary occasions. This Gentleman left three sons; of the two youngest we can meet with no account, nor any thing more of the eldest, who was named *William*, but that he died in the year 1443, and left only one son, named *Thomas*, who was living in the year 1470, and had issue by his Lady one son, who was also called after his own name.

This last *Thomas* took to the study of the Law, wherein he made such a proficiency, that, in the reign of *Henry VII*, he was made Clerk of the Pipe, an office still in being, which was then bestowed on none, but those of high repute in the profession. He died in the seventh year of *Henry VIII*, and left three sons, of whom *William* (Gentleman-Usher to Cardinal *Wolsey*) was the only survivor, whose Life and Actions we have been able to give a more minute account of, than of the before-mentioned worthy personages; that task we have performed with great pleasure, because it may be truly said,

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said, that the illustrious Family of *Cavendish* owes its present splendor, in many respects, to his wife and virtuous conduct; and it is therefore prefixed, (with an account of the other parts of his illustrious descendants, even to this very time, not here treated of,) to the Genuine Life of Cardinal *Wolsey*, wrote by that Gentleman himself, but not yet published; though we intend, as it is all printed off, shortly so to do. In the mean time, we shall here proceed to speak of that branch of Sir *William's* male issue, by his Lady *Elizabeth*, that is descended in a direct line from *William* their second son, and first Earl of *Devonshire*, down to *William* the fourth, and present Duke of *Devonshire*.



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THE

T H E
LIFE of WILLIAM,
the First Earl of DEVONSHIRE.

HE was the second son of Sir *William Cavendish*, by his third wife, who, after his decease, married the Earl of *Shrewsbury*, and was born the 27th of *December*, in the fifth year of King *Edw. VI.* 1552.

King *James I.* having taken notice of his many amiable qualities, which rendered him the delight and ornament of the age he lived in, was pleased to advance him to the Dignity of a Baron of *England*, by the style and title of Baron *Cavendish of Hardwick*, in the year 1605. The manner of his creation was with great ceremony, pursuant to the laudable custom of those times; (and it is much to be wished, that the same ceremonies were used with every one who is thought worthy of being the King's Hereditary Counsellor;) for when the Patent, conferring this high Honour, was drawn up and sealed, he was solemnly introduced to his Majesty, then at *Greenwich*, who stood under a Cloth of State, attended by the Princes of the Blood Royal, the Dukes of *Holstein* and *Lenox*, and the greater part of the Nobility both of *England* and *Scotland*. Here he paid his homage to the King, by whom he was most graciously received; after which he was complimented in form by the whole Court. About thirteen years after this Promotion, viz. on the 13th of *August*, 1618, he was created Earl of *Devonshire*.

During all this time, it does not appear that he was ambitious of Court Preferments; notwithstanding

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ing which, he was far from leading an inactive life; as we find him one of the first adventurers in planting and settling the new colony of *Virginia*, which had hitherto been too much neglected, but, by his indefatigable endeavours, was soon brought to a very flourishing condition; and, we think, we need not observe here, of what infinite advantage this colony has ever since been to its mother-country.

It farther appears, that on the first discovery of the *Bermudas* islands, a grant of them was made by King *James* to this Lord and others. The largest of these islands was divided into eight parts, one of which still retains the name of *Cavendish*, tho' we cannot learn, whether the property thereof has been since transferred, or still belongs to any of that noble family.

Perhaps it may not be unpleasing to the Reader, to have some short account of these delightful islands, which derive their names from the first *European* discoverer, who was a *Spaniard*. "But many years after, to wit, in 1609, our countryman, Sir *George Summers*, having been driven by stormy weather, and shipwrecked on the coast, settled a colony there, which he intended to have planted in *Virginia*, from whence they were called the *Summer Islands* for some time, tho' now they have resumed their antient name. We are assured by those who have visited that charming spot, particularly by the Dean of *Derry*, who made a voyage thither on purpose to satisfy his curiosity, that no part of the Globe enjoys a purer air, or a more temperate climate. The great ocean, which invirons them, at once moderating the heat of the South winds, and the severity of the North west. Such a latitude, says he, on the continent, might be thought too hot; but the air in *Bermudas* is perpetually fanned and kept cool by sea-breezes, which render the weather the most healthy and delightful that could be wished, being

being of an equal tenor almost throughout the whole year, like the latter end of a fine *May* in *England*; infomuch that it is resorted to, from our other colonies, as the *Montpellier* of the *British America*. These islands once abounded with cedars, of an exceeding sweet smell, tho' of a kind very different from those of other countries, which not only refreshed the inhabitants with their shade, but served as a shelter to their delicious fruits and other productions, which are mightily decayed, lying too much exposed to the violent blasts of the North West winds, by the cutting down of those trees. However, I am informed that, of late years, they have begun to plant them a-new, and that he has seen several sloops built there of this precious wood, which are universally allowed to be the finest and most durable in the world." In short, these islands still answer the charming description given of them by *Waller* : *

This

* " *Bermudas*, wall'd with rocks, who does not know,
 That happy island, where huge lemons grow,
 And orange trees, which golden fruit do bear !
 Th' *Hesperian* gardens boast of none so fair.
 The lofty cedar, which to heaven aspires,
 The prince of trees, is fewel for their fires,
 The smoak, by which their loaded spits do turn,
 For incence might on sacred altars burn,
 Their private roofs, on od'rous timber borne,
 Such as might palaces for Kings adorn.
 With candied plaintanes, and the juicy pine,
 On choicest melons, and sweet grapes they dine, }
 And with potatoes fat their wanton swine.
 The kindly Spring which but salutes us here
 Inhabits there, and courts them all the year ;
 Ripe fruit and blossoms on the same tree live,
 At once they promise, what at once they give.
 So sweet the air, so moderate the clime,
 None sickly lives, or dies before his time.
 Heaven sure has kept that charming spot uncurst,
 To shew how all things were created first."

This Earl died at *Hardwick*, and was buried in the church of *Ederſon*, near *Chaiſworth*, two villages ſtanding oppoſite to each other, the one on the Eaſt, the other on the Weſt ſide of the little *Derwent*.

To ſum up this great and good man's character, we ſhall give a tranſlation of the *Latin* inſcription on his monument, which, far different from any of our modern epitaphs, hath no leſs truth than elegance. However, in order to give the Reader a juſt idea of its beauty, it will be neceſſary to inform him, that the remains of this noble Lord lie near to thoſe of his elder brother, who is interred in the ſame church, and that the monument erected to his memory is embellished with the emblematical figure of *Fame* ſounding her trumpet, to which there is a fine alluſion in the inſcription.

Sacred to the memory of WILLIAM CAVENDISH; who hath here depoſited all that was mortal in him; a man born to execute every laudable undertaking; and who, in the ſimplicity of virtue, rather deſerved than courted glory; whom, when that moſt diſcerning of Princes, James, of bleſſed memory, King of Great Britain, firſt diſtinguiſhed with the title of Baron of Hardwick, and afterwards with that of Earl of Devonſhire, he ſeemed not ſo much to dignify the man, as to add luſtre to the honours conferred on him. With what addreſs, integrity, and applauſe he maintained his character in every ſtation of life, enquire of Fame herſelf, which, tho' generally a common liar, here ſpeaks truth. Such a man, who was not only one of the brighteſt ornaments of his own age, but would have been reckoned among the beſt of men had he lived in any other, is neither to be paſſed over in ſilence, nor yet to be careleſſly ſpoken of. His fidelity was equal to his aſſiduity, and both in the higheſt degree.
He

First Earl of DEVONSHIRE. 5

He transacted every thing with such ease, that, whilst he was most active, he seemed to be doing of nothing; and tho' he succeeded in every thing he undertook, yet he arrogated none of the glory to himself. Having left it in charge to be interred in a frugal manner, and without any pompous memorial, his sorrowful son has erected this monument with greater affection than expence. He died March 3, in the year 1625.

To this Epitaph we shall subjoin that of his elder brother *Henry*, of whom we have spoken in the account of his father's life. Tho' we have scarce any memoirs of this Gentleman, except that he served in six Parliaments, in Queen *Elizabeth's* reign, yet we may judge from the instances here produced, that he was a man of great merit.

Sacred to the memory of HENRY CAVENDISH, eldest son of Sir William Cavendish, of Chatsworth, in Derbyshire, by the most illustrious Lady, Elizabeth Hardwick, of Hardwick, in the same county, whose fourth husband was George, the sixth Earl of Shrewsbury, a man distinguished for courage and fortitude, as being the only one, who, among the many English volunteers that went over to the United Provinces in 1578, enlisted himself in the service of that Republic, wherein he shewed no less patience in bearing its fatigues and hardships, than skill in performing every military duty. But when he had an opportunity of withdrawing from the burry of business, he spent his leisure hours in such a manner, as to be deemed rather splendid and chearful than indolent and inactive. Having here deposited his martial accoutrements, which are bung up on this wall, his mortal part rests in expectation of bearing the last trump's sound at the general Resurrection, instead of that of earthly Fame. He died October 12, in the year 1616.

The

The Reader cannot avoid taking notice, from this last epitaph, how early the *Cavendish* family asserted the cause of liberty, (in the very infancy of that now famous Republic, which, without the assistance of such champions must inevitably have sunk.) No wonder that a family that produced such heroes, in defence of the rights and privileges of other countries, should so undauntedly assert those of their own.

This Earl married two wives; first, *Anne*, daughter and heir to *Henry Kigbley*, of *Kigbley*, in the county of *York* Esquire, by whom he had three sons and three daughters; 1. *Gilbert*, who died a young man of incomparable parts, and left a very ingenious book, intitled *Horæ Subsecivæ, Observations and Discourses*, &c. 2. *William*, his heir and successor. 3. *James*, who died in his infancy. 4. *Frances*, married to *Sir William Maynard*, who was, 1611, created a Baronet; next *Lord Maynard* of *Wicklow* in *Ireland*, by Letters Patent bearing date at *Westminster*, May 30, 1620; and, in consideration of his Lordship's farther merit, was, by Letters Patent, 14 March, 3 King *Charles* I. advanced to the degree of a Baron of this Realm, by the title of *Lord Maynard*. 5 and 6, *Mary* and *Elizabeth*, who both died young. His second wife was *Elizabeth*, daughter of . . . *Boughton*, of *Causton*, in the county of *Warwick*, Esquire, and widow of *Sir Richard Wortley*, of *Wortley*, in the county of *York*, Knight, by whom he had issue *Sir John Cavendish*, Knight of the *Bath* at the Coronation of Prince *Charles*, who died soon after.

We find nothing more remarkable concerning these Ladies, save that of their being good wives and much respected.

WE have been requested, since the printing the
aforesaid translations of the Epitaphs, p. 4, 5. to add
the originals as they now stand inscribed on the
respective tombs, which we have here complied with.

Epitaphium GULIELMI CAVENDISH *primi*
Com. Devon.

ARCHIVA

M. S.

GULIELMO CAVENDISIO

Ex iisdem parentibus secundo genito filio

Qui & hic etiam trabeam reliquit

Viro

Ad omnia nato

Quæ recte facienda sunt

Simplicique virtute merenti magis

Quam captanti gloriam.

Quem cum primum titulo Baronis de Hardwick

Et postea Comitis Devon. Regum oculatissimus

JACOB. B. M. & M. B. Rex insigniret

Non tam hominem quam honorem

Cohonestare visus est.

Provinciam sustinuit

Quali peritia integritate ac laude

Ipsam * roga

Fama communis non mentitur.

Vir

Non sæculi sui sed omnis ævi optimus

Neque silendus neque dicendus

Sine cura.

Laboris ac fidei capacissimus

Actu otiosis simillimus

Nihil sibi vendicans

Eòque assequens omnia

Cui

Cùm modicè ac plano solo se condi

* Imaginem Famæ cum tuba decoratam.

Mandavisset

8 *The LIFE of WILLIAM, &c.*

Mandaviffet
Majore pietate quam impensa
H. M. F. C.
H.

Obiit iii. die Martii anno æræ ejusdem
C10 ICC XXV.

Epitaphium HENRICI CAVENDISH, Armig.

FAMÆ.

M. S.

HENRICO CAVENDISIO

Guil. Equit. aurati a Chatefworth in agro Derb.
Filio natu maximo

Ex matre clariffima Elizab. Hardwick ab
Hardwick in eodem agro nata quæ quarto
Marito Georgio Salopiæ Comiti sexto
Innupta est

Viro strenuo ac forti

Ut qui unus (ex primis illis volonibus chiliarchis
Anglis anno C10 IC LXXVIII) nomen

Dederit Militiæ Belgiæ

Cujus erat patiens ac peritus pariter
Navus agilis acer

Ubi autem negocia feciffet otio locum
Liberaliter lauteq; ipfi indulgens

Ita tamen ut splendidus

Ac hilaris

Non defes audiret

In hoc agro

Armis exuviisq; depositis

Et in parietes fixis

Latet sceleton expectans

Pro Famæ clangore tubæ

Clafficum Refurrectionis.

Obiit XII die Octobris

Anno æræ Christianæ

C10 ICC XVI.

T H E

L I F E of W I L L I A M,

the Second Earl of D E V O N S H I R E.

*W*ILLIAM, the second Earl of *Devonshire*, born in the year 1591, was very tenderly brought up, till he arrived to an age proper to be put under the care of a tutor. The person pitched upon for this important trust was Mr. *Thomas Hobbs*, an excellent scholar in most branches of literature.

When the young Lord had finished his studies at home, he made a tour to several parts of *Europe*, attended by his tutor, who was well versed both in the ancient and modern languages; and having seen every thing worthy of observation, returned to his native country.

On his first appearance at Court, which was in 1609, King *James* was so pleased with his graceful mien, and other fine accomplishments, that he conferred on him the honour of Knighthood; and, as an additional mark of the esteem he had for his person, procured his marriage with *Christian*, his own near kinswoman, only daughter of his great favourite, *Edward Lord Bruce*, who had been, as many historians observe, one of the principal instruments, in Queen *Elizabeth's* reign, of securing to him the Crown of *England*; in gratitude for which, his Majesty brought about this match, which was advantageous indeed to Lord *Bruce*, and yet not merely honorary to Sir *William*: as the King gave with the Lady 10,000*l.* fortune; and, to complete the work, even turned solicitor with

the Earl, to make a farther settlement on them out of his plentiful estate, suitable to his son's post, and the Lady's quality; which request was readily complied with.

As Sir *William*, now Lord *Cavendish* (his father having been created an Earl) was not only distinguished for his politeness, but a perfect master of languages, he was pitched upon to conduct several foreign Ministers to their audience, particularly the *French*, *Venetian*, and *Dutch* Ambassadors.

In 1625 his father died, to whose titles and estates he succeeded. And in this same year he attended *Charles I.*, with his Countess, to *Canterbury*, and assisted at the nuptials of that Prince with *Henrietta*, a Daughter of *France*, where he appeared in that splendor, which does honour to a Court on such solemnities.

We shall say no more with regard to his behaviour in the House of Lords (after his having been called up to that august Assembly, on his father's decease,) than that he discovered the same zeal for the service of his King and Country, as he had done in the House of Commons, was always heard with great attention, and equally beloved and esteemed in both.

Some writers have been pleased to observe, by way of diminution to his character, that he became too much engaged in the excesses predominant in that age; that his house rather appeared like a Prince's court than a subject's, and that, by his excessive gallantry and glorious way of living, he contracted a vast debt, and greatly impaired his fortune. Perhaps he might have carried too far the natural propensity he had to splendor and magnificence, which the age he lived in so much encouraged; but we do not hear of others suffering on this account. It was a failing, indeed, but such a one as none but the great and generous are capable of

falling

falling into ; and since we are told of no other, we may presume it was his only one. His general character, both in public and private life, which is drawn up by a very masterly hand, will give us a perfect idea of his many amiable qualities. Mr. Hobbs, who had known him from an infant, says of him, in the Dedication to the young Earl his son, of the History of *Thucydides*, translated from the Greek ; “ By experience of many years I have had “ the honour to serve him, I know this, there was “ not any, who more really, and less for glory’s “ sake, favoured those that studied the liberal arts, “ than my Lord your father did, nor in whose “ house a man should less need the University than “ in his. For his own study, it was bestowed, for “ the most part, in that kind of learning, which “ best deserveth the pains and hours of great persons, *History and Civil Knowledge*, and directed “ not to the ostentation of his reading, but to the “ government of his life, and the publick good ; “ for he so read, that the learning that he took in “ by study, by judgment he digested and converted into wisdom and ability to benefit his country : To which he also applied himself with zeal, “ but such as took no fire, either from faction or “ ambition. And as he was a most able man for “ soundness of advice, and clear expression of himself in matters of difficulty and consequence, “ both in publick and private ; so also was he one “ whom no man was able either to draw or juggle out “ of the strait path of justice. Of which virtue, I “ know not whether he deserved more by his severity in imposing it (as he did to his last breath) “ on himself, or by his magnanimity in not exacting it to himself from others. No man better discerned of *men*, and therefore was he constant in “ his friendships, because he regarded not the fortune nor adherence, but the men ; with whom also

4 *The LIFE of WILLIAM, &c.*

“ he conversed with an openness of heart, that had
“ no other guard than his own integrity, and that
“ *Nil conscire**. To his equals he carried himself
“ equally, and to his inferiors familiarly, but main-
“ taining his respect fully, and only with the na-
“ tive splendor of his worth. In sum, he was
“ one in whom might plainly be perceived, that
“ *Honour* and *Honesty* are but the same thing in the
“ different degrees of persons.”

The Earl departed this life at his house without *Bishopsgate*, in *London*, where *Devonsbire-Square* is now built, the 20th of *June*, 1628, and was buried in the vault at *Allballows* church in *Derby*, leaving in minority his son and successor.

By his excellent Lady he had issue four children, viz. 1. *William*, his heir; 2. *Charles*; 3. *Henry*, who died young; and 4. *Anne*, married to *Robert* Lord *Rich*, son and heir to *Robert* Earl of *Warwick*.

* Or, in other words, *that he was not conscious of having done any thing that was bad.*



THE
LIFE of WILLIAM,
the Third Earl of DEVONSHIRE.

THIS Earl was scarce eleven years old when he succeeded his father; but, young as he was, had been made a Knight of the *Bath*, at the Coronation of King *Charles I.* The Countess Dowager, under whose wardship he was, being induced by her maternal affection to keep him at home under her own eye, committed him to the care of Mr. *Hobbs**, who had been his father's tutor, and very diligently attended his new charge for about seven years, when he went abroad with his young Lord, in quality of Governor. Having made the tour of *France*, *Italy*, and other parts of *Europe*, they returned to *Paris*, and there made some stay. Here the Earl made himself a thorough proficient in the *French* tongue; and having, by his tutor's instructions, treasured up such observations, in the different countries he passed through, as might be of use to his future conduct in life, he returned to *England* in 1639.

He was now of age, and put in possession of his ample fortune, which the Countess, by her prudence and excellent œconomy, had greatly retrieved: Soon after which, the Civil War broke out. On the meeting of the Parliament in 1640, he was one of the first who stood up for the Prerogative, in opposition to those, who were for stripping it of

* We shall soon give some account of this learned man, who has made so much noise in the world.

its just rights, which, he foresaw, must unavoidably end in popular licentiousness, anarchy, and confusion. For this reason he strenuously opposed the Bill that was brought in, to attain the Earl of *Strafford* of High Treason, and would never consent to the condemnation of Archbishop *Laud*, who, with all his failings, must be allowed to have deserved a better fate. One of the heaviest charges against this Prelate was, that he attempted to introduce Popery, tho' every one knows, that he wrote one of the best books against it that is extant in our language.

When the national ferment grew so high, that the King was forced to retire to the North, he followed him thither, and, with many other Noblemen, signed a Declaration, bearing testimony to his Majesty's pacific and upright intentions; and when he saw a party in both Houses too strong and violent for him to contend with, he supplied the distresses of that unfortunate Prince with money, attended him in his Parliament at *Oxford*, and even sent his own brother to fight in the Royal Cause, wherein he lost his life.

Afterwards, when he found matters were brought to such extremity that he could no longer stem the torrent, he retired beyond sea, to wait a more favourable turn of affairs. But this recess could give him no repose. He had too much offended the prevailing party not to be thrust into the number of delinquents. In short, his large estate was sequestered; and when, by the mediation of friends, an order was obtained for his returning by such a day, we are assured, that nothing could tempt him to do what he thought inconsistent with his honour. Such was his fortitude of mind, that he rather chose to see his estate continue under so unjust and arbitrary a sequestration, than to deviate in the least tittle,

tle, or to change his honest purposes, according to the necessity of the times, or for the sake of any present advantage: Nor would he at last have been prevailed with to submit to a composition, were it not for the importunity, or rather commands of his mother, who, being a Lady of exquisite discernment, used such powerful arguments as to convince him, that he might still be of service to the Royal Cause, without ruining his family.

When the Parliament had made themselves masters of the King's person, in 1646, the Earl was at one of his seats called *Latimers*, where his Majesty was brought as a prisoner, and suffered to rest one night. The generous Earl, overwhelmed with grief at so sad an interview, took this opportunity of expressing the deep concern he was under at the sight of his distressed Sovereign, the only mark of loyalty and affection then in his power; wherewith the King was entirely satisfied, as having experienced the reality of his zeal on so many other occasions. It will be easily believed, that when he heard of the King's violent death, he must have been struck with horror. But tho' he risked both his life and fortune, by taking the least step in favour of a cause which was now sunk so low, yet such was his zeal, that he early declared in favour of *Charles II*; and even after the loss of the battle at *Worcester*, when the Royalists seemed irrecoverably ruined, he retained the same duty and loyalty for this his new Sovereign.

As the Earl lived in such times, when wise and good men have nothing to do at Court, (*which we hope will never be the case again*) he generally resided at one of his seats in the country, where he maintained great hospitality, and those of promising parts found encouragement and protection. Among these, we shall only take notice of *Sir Stephen Fox*, who had been trained up in the family,

family, and employed in matters of trust, till age and experience had qualified him for more important offices. This Gentleman, during the King's exile, went over to *Flanders*, and was there employed as Treasurer to his Majesty, whose finances being then very slender, stood greatly in need of such a manager. Lord *Clarendon* gives this immortal character of him: "That he was very well qualified "with languages, and all other parts of clerkship, "honesty and diligence that were necessary for the "discharge of such a trust, &c." Happy would it be for all Princes, had they such a Minister.

After the Restoration, which was in 1660, we do not find that the Earl often went to court, or that the King shewed him any particular marks of favour for the signal services he had done the Royal Family; on which occasion, a modern writer justly observes, "That one of his disposition was not "fitted to shine in great employments, during the "reign of *Charles II.* However, it ought to be noted, to his honour, that the King's ingratitude made no impression on him; he still continued, as he had always been, no less a friend to the Crown than a patron of Liberty. The only office conferred upon him was that of Lord Lieutenant of *Derbyshire*, (which his large possessions, and interest in that county, intitled him to;) and as he could not approve, nor be induced to join in such measures as were inconsistent with the public welfare, he withdrew into the country, where he shewed, by his great charity and hospitality, what an happiness it is for the world, *when such men are blest with ample fortunes.*

In this pleasing retirement he passed his days, till the year 1679, when the famous Mr. *Hobbs**,

* He was born at *Malmesbury*, in *Wiltshire*, on the 5th of April, 1588. His father was Vicar in that town.

who

who had lived many years in the family, and died on the 4th of *December*, in the 91st year of his age, and was buried in the church of *Allballows, Derby*, where, on a black marble stone over his grave, is the following inscription:

"Here lye the remains of THOMAS HOBBS, of Malmibury, who was for many years in the service of two Earls of Devonshire, father and son; a man of integrity, and for the fame of his learning at home and abroad well known."

Dr. Kennet tells us, in his Memoirs, "That the only thought of death, which this learned man entertained in time of health, was to take care of some inscription on his grave; that he would suffer some friends to dictate an epitaph, among which, he was best pleased with this humour, *This is the true Philosopher's Stone*; which, indeed, (adds the Doctor,) "would have had as much religion in it, as that which now remains." By which latter expression we are given to understand, that the present epitaph contains something in it highly offensive to religion; tho', for my own part, I think, nothing can be more modest and decent. It refers only to his morals and learning, and neither of these, that I can learn, was ever called in question. As to his political and religious principles, which are too well known to need a repetition here, it must be owned, they have justly given offence; but tho' the Earl could not be insensible of their pernicious tendency, yet was it inconsistent with his grandeur or humanity to discard a man in his old age, who had, by his long services, so well deserved of the family.

To sum up *Hobbs's* character in few words, (which at best does not appear to have any thing very amiable in it) he was so great a temporizer, that every form of government, and every kind of religion

C

that

that prevailed, were to him the same. It was a rule with him, always to side with the predominant party; and the same motives, which induced him to defend the Royal Cause, when uppermost, naturally carried him to pay his court to the Usurper, when that was depressed. If ever he joined in communion with the established church, as, according to his own principles, it was for mere worldly motives, so we may presume, without breach of charity, that, had the wild reveries of *Mahomet* been in fashion, (some of which are little less extravagant than his own) he would have made no scruple of joining with the votaries of that Impostor, especially if it were unsafe to do otherwise. This censure cannot be thought too severe, by those who are acquainted with his strange notions concerning the human soul, which some modern Deists have taken such advantage of, and necessarily imply that it perishes with the body. With such a turn of mind as this, it can be no wonder, that *Hobbs* should have been a coward, and tremble at the thoughts of Death, which, according to him, puts an end to our existence. In short, whatever he had valuable in him, either as an Orator, Poet, Historian, or Philosopher, (in all which branches of literature he has given us some fine specimens, and for the latter of which he is highly celebrated by *Cowley*) it can scarce be doubted, that one of the Earl's discernment, who knew so well how to make a right estimate of things, made a proper advantage of it. But as to his tutor's political and religious notions, they never made the least impression on the noble pupil, whose soul was too elevated and generous to consult his own personal safety, when the Constitution was in danger. The Earl, in fine, was totally the reverse of *Hobbs*, that is, always ready to engage in a good cause, whether triumphant or suffering, and regardless even of life

life itself, when it came in competition with his duty.

The Earl survived his tutor five years, departing this life at his seat at *Roehampton*, in *Surry*, on the 23d of *November*, 1684, and was interred with his noble ancestors at *Derby*, having maintained to the last moment the same invariable character, which he had sustained with so much dignity, in every period of life.

To attempt drawing up this noble Lord's character, in the usual manner of Biographers, will be wholly superfluous. Suffice it therefore just to intimate, that Mr. *Hobbs's* prayer, at the close of the Dedication, from which we have quoted some fine passages in the preceding Life, was fully answered, to wit, *That God would please to give him virtues suitable to the fair dwelling he had prepared for them.*

"He was, says *Kennet*, a true *English* Peer, honoured by his Prince, and beloved by the People, because steady in maintaining the just Prerogative of the one, and the legal Liberties of the other. Many persons, now living, agree in this remembrance of him, that he was a man of as much conscience and honour, religion, prudence, and goodness, as they ever knew in the world.

"His tenderness and good-nature to friends and relations was very exemplary.—He was virtuous in his whole life, and prudent in all his affairs: He improved his large inheritance, and took care to let it descend entire to his posterity." Even Envy itself must own, that the Doctor, in drawing this picture, which so much resembles the life, was not a mere panegyrist; and *Hobbs* himself, tho' so greatly mistaken in other respects, must here be allowed to have spoken the truth, when he told the Earl, in his earliest youth, that he perceived the seeds of his father's virtues already springing up in him.

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He married the Lady *Elizabeth*, second daughter of *William* Earl of *Salisbury*, by whom he had issue, 1. *William*, his eldest son and heir. 2 *Charles*, who died unmarried about the year 1670, buried at *Derby*; and one daughter, *Anne*, first married to *Charles* Lord *Rich*, only son to *Charles* Earl of *Warwick*; and afterwards to *John* Lord *Burgbley*, afterwards Earl of *Exeter*; she travelled with her husband twice to *Rome*, and attended him at his death in his last return near *Paris*: She died in *June* 1703, in *St. Martin's in the Fields*, *London*, and was buried near her husband in a new vault within the church of *St. Martin's in Stamford*, under an elegant monument, brought, among other exquisite works, from *Rome*.



T H E

L I F E of C H R I S T I A N ,

Countess Dowager of DEVONSHIRE,

Wife of the second and Mother of the third Earl.

THIS Lady was descended from the *Bruces*, a very antient and illustrious house both in *England* and *Scotland*, which originally traced its pedigree from *Robert* and *David*, both Kings of the latter; one of the sisters of whom married into the Royal House of *Stuart*. She was born on *Christmas-day*, and for this reason had the name of *Christian*, an appellation, which her many pious and charitable actions afterwards fully shewed was not merely nominal. She was naturally of a sweet disposition, and by her address, prudence, and œconomy, may be properly styled the restorer and preserver of her family.

We have already mentioned by what means her marriage with the Earl was brought about, and how many children she had by him, as well as the entangled condition her son's affairs were left in at the death of his father, which caused her, during his minority, to use her utmost endeavours to restore them to their former condition.

Her late Lord, for want of using that domestic œconomy which too often great men are apt to neglect, had by that means contracted several large debts, and consequently afterwards his estates became involved in many law-suits, insomuch that it has been averred, there were depending at one time no less than thirty; these matters took up all her attention.

However, tho' her late husband's debts were large, yet, out of the income of her jointure, which was
5000l.

5000*l.* a year, and other effects belonging to her deceased Lord, she by her prudent management at last put an end to all the law-suits; in the doing which she acted with such prudence and resolution in the different Courts where they were depending, that it gained her great esteem and respect from the Judges, who spoke of her as a mirror of a woman. His Majesty, one day, jestingly said to her, *Madam, You have all my Judges at your disposal.* Another matter which contributed to the accomplishment of what this Lady had much at heart, was the cutting off some entails then subsisting upon certain estates, which she obtained, being at that time looked upon as a singular favour. In short, after some years care and management she had the pleasure of seeing all her Lord's debts discharged, and his estate clear from incumbrances, in which condition she delivered them up to her son. The writer of her Life and the Historians of the times, represent her as *a finished pattern of all female perfection, both intellectual and acquired.*

The Countess having thus far succeeded, had now an opportunity of living again in a manner suitable to her dignity, had it not been for the Civil War, in the course of which she contributed to assist the Royalists; but when she found that the King had been worsted in several engagements, and was no longer able to keep the field, she, like a woman of sense, applied herself to serve the Royal cause with the same zeal, only with more caution and secrecy.

Thus she acted in respect to the Earl of *Essex*, who, by the force of her arguments, was convinced, a little before his death, of the wrong step he had taken, and, had he lived a little longer, intended to have declared for the King.

Whilst the Countess resided at *Latimers*, one of the family seats, the King was then a prisoner in

in the hands of the Parliament army, and passing by this feat, he was permitted to rest there all night, where the Countess entertained him in the most respectful manner; and as her son the Earl was there, his Majesty was, for the greatest part of the time, shut up in private conference with both of them. Upon this a late writer says, *Unfortunately for CHARLES, he thought himself, even then, in a capacity to be of much greater importance than he really was, and that it was at any time in his power to have turned the scale between the Parliament and the army. His prepossessions made him neglect the counsels of his best friends, nor was he undeceived till he came within sight of the scaffold.*

This King's affairs being in this dismal situation, all this Lady could do was to supply the Loyalists with money; and even after the King's death, and the loss of the battle of *Worcester*, she received many of the routed party with great kindness, and assisted them in their distress, which exposed her so much to the resentment of those in power, that she very narrowly escaped imprisonment; tho' at the same time it might be weighed, that the Countess was a woman of too much sense not to consider the time she lived in, and that by acting too openly she would have only ruined her own family, without doing any essential service to the Royal Cause.

It is indeed said, that the Countess had intelligence of *Monk's* secret intention of restoring King *Charles II.*, tho' such a design did not publicly appear till he had first disclosed it to the King himself, and then it was brought about in such a manner as surprized all the world.

This Lady, besides the share she had in the publick calamities, was not without her own domestic afflictions, first in the loss of her beloved son *Charles*, (of whom we shall presently speak,) and next of her only daughter *Anne*, married to *Robert Lord Rich*,
son

son and heir to *Robert Earl of Warwick*, a Lady of those rare endowments of mind and body, that her memory is celebrated by the wits and orators of her own time, the Lord *Faulkland*, Mr. *Waller*, Mr. *Godolphin*, and others.

Hear *Waller* :

———— The Lady RICH is dead !
Heart rending news ! and dreadful to those few
Who her resemble and her steps pursue :
That death should licence have to rage among
The fair, the wise, the virtuous and the young !
All stand amazed ! but beyond the rest
The * heroic dame whose happy womb she blest,
Moved with just grief expostulates with heaven ;
Urging the promise to the obsequious given,
Of longer life : for ne'er was pious soul
More apt to obey, more worthy to controul.
A skilful eye at once might read the race
Of CALEDONIAN Monarchs in her face,
And sweet humility : her look and mind,
At once were lofty, and at once were kind.
There dwelt the scorn of vice, and pity too,
For those that did what she disdained to do :
So gentle and severe, that what was bad,
At once her hatred, and her pardon had.
Gracious to all ; but where her love was due,
So fast, so faithful, loyal, and so true,
That a bold hand as soon might hope to force
The rowling lights of heaven, as change her course.

Some happy angel, that beholds her there,
Instruct us to record what she was here !
And when this cloud of sorrow's over-blown,
Through the wide world we'll make her graces known.
So fresh the wound is, and the grief so vast,
That all our art, and power of speech, is waste.
Here passion sways, but there the Muse shall raise
Eternal monuments of louder praise.

There our delight complying with her fame,
Shall have occasion to recite thy name,

* CHRISTIAN, Countess of Devonshire.

Fair SACHARISSA!—and now only fair!
To sacred friendship we'll an altar rear;
(Such as the ROMANS did erect of old)
Where, on a marble pillar, shall be told
The lovely passion each to other bare,
With the resemblance of that matchless pair.
NARCISSUS to the thing for which he pined
Was not more like, than yours to her fair mind:
Save that she grac'd the several parts of life,
A spotless virgin, and a faultless wife:
Such was the sweet converse betwixt her and you,
As that she holds with her associates now.

How false is hope, and how regardless fate,
That such a love should have so short a date!
Lately I saw her sighing part from thee;
(Alas! that That the last farewell should be!)

So look'd ASTRÆA, her remove design'd,
On those distressed friends she left behind.
Consent in virtue knit your hearts so fast,
That still the knot, in spite of death, does last:
For, as your tears, and sorrow-wounded soul,
Prove well that on your part this bond is whole:
So, all we know of what they do above,
Is, that they happy are, and that they love.
Let dark oblivion, and the hollow grave,
Content themselves our frailer thoughts to have:
Well chosen love is never taught to die,
But with our nobler part invades the sky.
Then grieve no more, that one so heav'nly shap'd
The crooked hand of trembling age escap'd.
Rather, since we beheld her not decay,
But that she vanish'd so entire away;
Her wond'rous beauty, and her goodness, merit
We should suppose, that some propitious spirit
In that celestial form frequented here;
And is not dead, but ceases to appear.

But it is to be observed, that the mourning mother, tho' none could be more sensible of the loss of such children, had so much of the old *Roman* matron in her, as to seem to have been much less affected at the melancholy scenes in her own family than at the public miseries of the Church and State.

Not long after the murder of the King she retired to *Greenwich*, and there lived privately, in hopes of seeing, one day or other, the dignity of the crown and the liberty of the people restored. When there appeared little or no prospect of public peace and settlement, she removed to her brother's, the Earl of *Elgin's* house, at *Ampthill*; and by three years privacy, which lightened her griefs and expences, and enabled her to renew her hospitality and charity, in a seat which she purchased, for its pleasant situation, at *Roehampton*, in *Surry*.

Notwithstanding this Lady had passed through such a variety of troubles, as generally break the spirits and shorten the thread of life, yet had she the satisfaction to live to see the King restored to the throne of his ancestors.

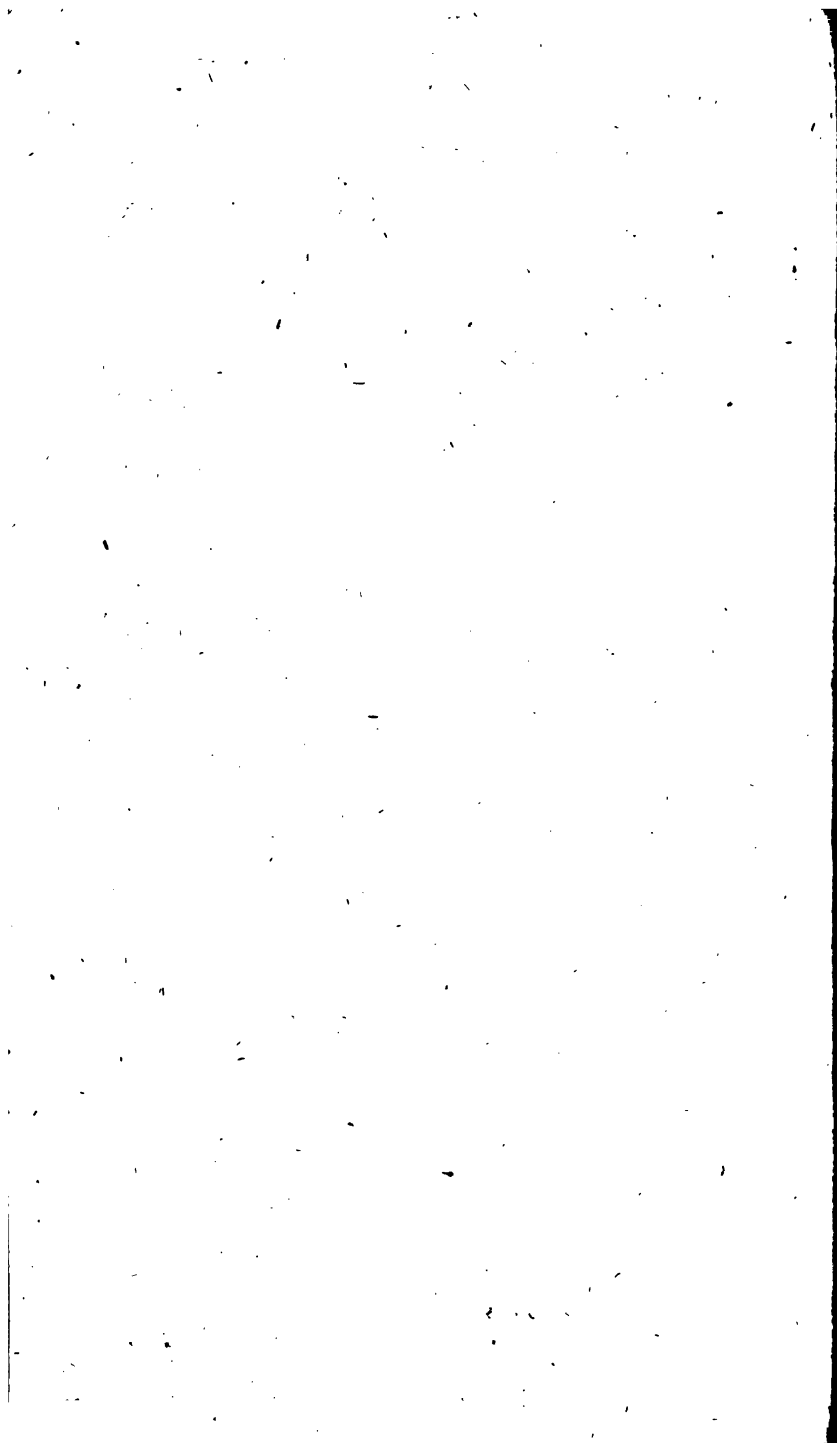
After this happy event she received all outward marks of respect from the Royal Family, and passed the remainder of her days in great tranquillity at *Roehampton*, where she continued her hospitable manner of living and extensive charity towards the poor to her last moments.

She bore her sickness with great piety and resignation, died on the 16th of *January*, 1674, and was buried at *Derby*, where she had erected a monument for her Lord, herself, and children, having ordered in her will, that the remains of her beloved son *Charles* should be taken up, and accompany her own corpse, which was accordingly done.

The short detail we have given of this Lady's life is the highest encomium we can bestow on her, because it sets her character in its true light. We shall find, on looking back to Sir *William Cavendish's* last wife, that *Christian* was the exact copy of that beautiful original, which is saying, in one word, that she had all the valuable accomplishments of her sex. In short, tho' none knew better how to keep up the dignity of her station, yet such was her natural affability,

fability, that she treated all persons, whether in town or country, in so polite a manner suitable to their respective qualities, that none ever left her, without being charmed at the reception they met with. A life spent in constant acts of piety and devotion has nothing to fear, but every thing to hope for, from its approaching exit. As the Countess had been *a Christian* indeed, during its whole course, it will be easily believed, that she bore her last sickness with great patience and resignation, and that the terrors of death could not affect the calmness and serenity of her mind. In a word, she left this world for a better, honoured by the rich, lamented by the poor, and universally regretted by all who had the happiness of her acquaintance. As she had been always the tenderest of mothers, she was the kindest of mistresses, in testimony of which she bequeathed considerable legacies to every one of her domesticks, besides what she had bestowed on them, before her decease.





T H E

LIFE of CHARLES CAVENDISH, Esq.

Brother to the Third Earl of DEVONSHIRE.

WE think this no improper place to subjoin some account of this favourite son of the Countess, whose life we have just given.

He was born in *London*, on the 20th of *May*, 1620, and made such progress both in learning and arms, (two things which seem incompatible,) as to become in each the glory of the time he lived in. After a strict tuition in his father's house, he was sent to travel, at eighteen years of age, under the care of a governor. His first tour was to *Paris*, where hearing of the *French* army at *Luxemburg*, and impatient for such a view, which so well suited one of his martial temper, he stole away to the camp, unknown to his governor, but was soon brought back to his studies.

The next year he spent in several parts of *Italy*, and in the following spring, having embarked for *Constantinople*, there dropped his governor again, and, prompted by curiosity, and an ardent desire of seeing on the spot the customs and manners of different nations, leaving his *English* servants behind him, took a circuit by land, through *Natolia*; from thence went by sea to *Alexandria* and *Cairo*, and came, by way of *Malta*, to *Spain*, and, after some stay at that Court, returned to *England* in 1641, having thus acquired a general knowledge of the world, which, added to his fine natural endowments both of body and mind, made him highly carested by the most eminent personages. One of his contemporaries, and a writer of his life, says, "*The sun beheld not a youth of a more manly figure, and more winning presence.*"

After

18 LIFE of CHARLES CAVENDISH, Esq.

After having paid his duty to the Countess, his mother, he was presented to the King and Queen, and most graciously received by them. As his inclination determined him to arms, and the Countess, in compliance therewith, intending to purchase for him Colonel *Garing's* regiment of foot, then in *Holland*, he went thither to be trained up in the Prince of *Orange's* army, and when he had made one campaign returned to *England*, about the end of *November* 1641, where there was too much occasion to exercise his martial ardour, the King having been forced, by popular tumults and distractions in the two Houses, to retire to *York*, to which place both himself and brother hastened to offer their service to their distressed Sovereign.

Here our young hero enlisted among those noble volunteers, who desired to be put under command, to fight in the Royal Cause. He made it his choice to ride in the King's own troop, commanded by Lord *Bernard Stuart*, his near kinsman, brother to the Duke of *Richmond*, and continued in it till the battle of *Edgill*, in *October* 1642, when the King, out of respect and tenderness for such gallant men, that he might not expose them to equal hazard with the rest of the cavalry, reserved them for a guard to his own person. But Mr. *Cavendish*, who valued glory more than life, supposing this to be no post of danger, and therefore not of honour, prevailed with Lord *Bernard Stuart* to use his interest with the King, that they might be drawn up on the right hand of the right wing of the horse, as most exposed, to which his Majesty, at their importunity, consented. And indeed, as this was a post of the hottest service, so it was of the greatest success; wherein Mr. *Cavendish* so distinguished himself by his personal valour, that the Lord *Aubigny*, who commanded the Duke of *York's* troop, being slain, he

was

Brother to the third Earl of DEVONSHIRE. 19

was preferred to that choice before any other, tho' eminent both for their birth and merit.

After this, the King, on his offer to go into the North, and there raise a complete regiment of horse, granted him a commission, with a promise to make him Colonel of it; which having accomplished, he took up his head quarters at *Newark*, and thereby kept in awe many of the rebel garrisons in the neighbouring parts, and at length became master of the whole country, insomuch that the Royal Commissioners for *Lancashire* and *Nottinghamshire* desired his permission to petition the King, that he might have the command of all the forces of those two counties, in quality of Colonel General, which the King granted.

In this command, he beat the rebels from *Granatham*, gained a complete victory near *Stamford*, and reduced several of their garrison-towns, by the assistance of other brave officers. After many glorious actions, he had the honour of receiving the Queen in her march to *Newark*, who immediately remembered, she had seen him last in *Holland*, and was now extremely pleased to meet him again in *England*. The Countess his mother was then in the Queen's coach, whom she entertained with an account of her son's exploits; and her Majesty, in token of the great esteem she had for him, when she was to give the word to Major *Tuke*, gave that of CAVENDISH.

This brave officer waited on the Queen with a noble guard towards *Oxford*, and in the way, by her consent, took *Burton* upon *Trent* by storm, with no small hazard of his life. So unshaken was his loyalty, that when the Royal Cause was declining, this only made him more daring and resolute. In the last action wherein he was engaged, he is said to have been murdered in cold blood, after quarter given by Colonel *Berry*, who made himself dear to *Cromwell*,
by

by this and some other actions of cruelty. Another writer tells us, that his horse sticking in the mud, he died magnanimously refusing quarter, and throwing the blood that run from his wounds into their faces.

However these accounts vary in their circumstances, it seems most probable that some base treachery was used in taking away so valuable a life, as may be easily gathered from a letter, written on this occasion by *Cromwell*, July 31, 1643, to the Committee of Association sitting at *Cambridge*, wherein the Ufurper says, in the canting style of that age, *That it pleased the Lord to give their servant and soldiers a notable victory, and that General Cavendish, after a vigorous defence, was slain with a thrust under the short ribs.* Be this as it will, all writers agree with Lord *Clarendon*, that no man could behave more courageously, nor die in a nobler manner.

Some papers that he left behind him fully shewed his profound skill in Numbers and Measures; these were in the hands of the Bishop of *Ely* in *Queen Anne's* time, but what are now become of them, we cannot say.

One of the writers of his mother's life speaks of this gallant young Gentleman thus: "He was a Gentleman so furnished with all the interior and politer parts of learning (obtained at home and abroad, both by reading books and men,) as well as courage, that he was prepared to defend his Prince with his head and hand, by the strongest reason, and most generous valour."

In short, the people every where valued and respected him so much, that when his body was brought to *Newark* to be interred, the whole town were so fond of it (even dead) that they would not suffer it for some days to be laid into the ground, but wept over it, and expressed their utmost sorrow for the loss of him; even the Poets of those times employed

Brother to the third Earl of DEVONSHIRE. 21

employed their pens in celebrating his memory, among whom Mr. *Waller* was one that published some lines on the occasion, whose Numbers run so smooth, and at the same time give so just and true a character of the deceased, that we cannot forbear introducing them.

EPITAPH on Colonel CHARLES CAVENDISH.

HERE lies CHARLES CA'NDISH: let the marble stone,
That hides his ashes, make his virtue known.
Beauty, and valor, did his short life grace;
The grief, and glory, of his noble race!
Early abroad he did the world survey,
As if he knew he had not long to stay:
Saw what great ALEXANDER in the east,
And mighty JULIUS conquer'd in the west.
Then, with a mind as great as theirs, he came
To find at home occasion for his fame:
Where dark confusion did the nations hide;
And where the juster, was the weaker side.
Two loyal brothers took their Sov'reign's part,
Employ'd their wealth, their courage, and their art:
The * elder did whole regiments afford;
The younger brought his conduct, and his sword.
Born to command, a leader he begun,
And on the rebels lasting honor won:
The horse, instructed by their General's worth,
Still made the King victorious in the North:
Where CA'NDISH fought, the Royalists prevail'd;
Neither his courage, nor his judgment, fail'd:
The current of his vict'ries found no stop,
'Till CROMWEL came, his party's chiefeft prop.
Equal success had set these champions high,
And both resolve to conquer or to die:
Virtue with rage, fury with valor, strove;
But, that must fall which is decreed above!
CROMWEL, with odds of number, and of fate,
Remov'd this bulwark of the church, and state:
Which the sad issue of the war declar'd,
And made his task, to ruin both, less hard.

* WILLIAM, the third Earl of *Devonshire*.

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So, when the bank neglected is o'erthrown,
The boundless torrent does the country drown.
Thus fell the young, the lovely, and the brave;
Strew bays, and flowers, on his honor'd grave!

1674. About thirty years after his first interment, his body was removed from *Newark*, to be buried at *Derby*, with his mother. Fresh lamentations were made by those that knew, and others that had heard his fame; and the whole people of *Newark* expressed the most sorrowful unwillingness to part with the reliques of so dear a person, who had been, when alive, the ornament and defence of that place. It was his mother's express will that his corps should be taken up, and wait upon her's in another herse to *Derby*. Passing thro' *Leicester* due respects were paid to their memories, the Magistrates of the place attending in their formalities, the Gentry of the county also meeting there, and waiting on them out of town. The same honorable reception they had at *Derby*; in the one town her funeral sermon was preached by Mr. *Frampton*, (Chaplain to the Earl of *Elgin*) afterwards Bishop of *Glocester*; in the other, her son's funeral sermon was preached by Mr. *Naylor*, Chaplain to the Countess.



T H E

LIFE of WILLIAM,

the First Duke of DEVONSHIRE.

WILLIAM, the first Duke of *Devonshire*, was born on the 25th of *January*, 1640.

He had so graceful and winning an aspect, that early in life he gained the love of all those who had the honour of conversing with him; and what greatly raised the personal esteem which every one had for this young Nobleman, was, that he not only traced his descent from a family so deservedly enobled, but derived from it that spirit of true grandeur, magnificence, and patriotism for which it has ever since been so conspicuous, and which seem hereditary to the *Cavendish's*. The Countess, his grandmother, had a watchful eye over him in his infancy, and, as he grew up, endeavoured to instill into him such sentiments as would, in process of time, render him the delight of mankind. Her pains were amply recompensed in the daily improvements made by her favourite grandson; and as he saw with pleasure how universally she was admired for her extensive hospitality, and polite manner of living, which drew the poor to her gates, strangers to her table, (where the strictest order and œconomy, joined with splendor and elegance, always reigned,) and persons of distinguished merit, both from the court and city, to her conversation, he therefore laid down as a rule for his future conduct the example of this illustrious grandmother, which he exactly followed.

The Reader will find the following picture drawn by a very masterly hand,

Adorn, ye Fates! the fav'rite youth assign'd,
 With each enobling grace of form, and mind :
 In merit make him great, as great in blood ;
 Great without pride, and amiably good :
 His breast the guardian ark of heav'n-born law;
 To strike a faithless age with conscious awe.
 In choice of friends by manly reason sway'd;
 Not fear'd, but honor'd; and with love obey'd.
 In courts, and camps, in council, and retreat,
 Wife, brave, and studious to support the state.
 With candor, firm; without ambition, bold;
 No deed discolor'd with the guilt of gold.
 That heav'n may judge the choicest blessings due;
 And give the various good compris'd in you.

The sequel shewed, from this young Lord's deportment in every scene of life, that he fully answered the most ardent wishes of the poet.

When he was arrived to an age proper to be put under the care of a tutor, the celebrated Dr. *Killigrew* was pitched upon, a Gentleman of great worth and learning, who accompanied him in his travels abroad, and, among other useful instructions, gave him a just relish for poetry, and other polite arts, wherein the Duke afterwards discovered no small proficiency.

Happy for him was it, that, at this time, he was too young to have any concern in the Civil War, which had broke out, soon after he was born, within the bowels of the Kingdom, and continued for some years to render his native country a scene of horror and confusion.

1660, the Restoration of King *Charles II.* took place. His Lordship was then twenty years of age, and was one of the four young Noblemen that bore up his Majesty's train at his Coronation.

1661. Being arrived to the age of twenty-one, he was this year elected one of the Knights to represent

sent the County of *Derby*, in the then ensuing Parliament.

1662, He passed over to *Ireland*, and was there married to the Lady *Mary*, second daughter to *James Duke of Ormond*, at his Grace's Palace in the City of *Kilkenny*, which belongs to the *Butler's* family even at this day.

1663. The 28th of *September* his Lordship waited on the King and Queen to *Oxford*, where they were received with great solemnity, and lodged in *Christ Church*. *Wood* tells us, that on this occasion (when honorary Degrees were not so common as now-a-days,) my Lord, by the special command of the Chancellor, was made Master of Arts, in company with the Earls of *Suffolk*, *Bath*, and other young Noblemen of the greatest hopes.

1664. His Lordship now discovered, upon several interesting occasions, in the House of Commons, that no Court Preferments should any way bias him from the duty he owed to his country, so that he was soon esteemed a leading Member among them. The Parliament met *March* 16, and, what was remarkable, the House of Commons this year granted the King all the supplies he requested, and such an unanimity appeared through all their proceedings, that the Speaker, upon the conclusion of the Session, *May* the 17th, expressed himself to his Majesty, in the conclusion of his Speech, as follows: "And now, great Sir, give me leave with joy to remember the unparalleled unanimity that this Session has attended our councils; our constancy and resolution has been tried beyond the precedent of former Parliaments."

The King, in answer, said, "I must confess to you, you have complied very fully with me, and have gratified me in all I desired, for which I can never thank you enough." After this (the King having before passed the Money Bills, &c.) both Houses were prorogued.

1665. At this time it seems Lord *Cavendish* turned some part of his attention towards maritime affairs : For we find he served as a volunteer against the *Dutch*, under the Duke of *York*, Lord High Admiral, and was in the midst of the sea-fight wherein his Royal Highness was personally engaged ; which fully demonstrates, that there was then a good understanding between him and that afterwards misguided Prince.

The plague raging in *London* and *Westminster* this year, the Parliament met, *October* the 9th, at *Oxford*, where the University Schools were prepared for both Houses ; notwithstanding which the King commanded them to attend him, in the great Hall at *Christ Church*, to whom he made a Speech, which was so well received, that the House declared their resolution to stand by his Majesty with their lives and fortunes against the *Dutch*, or any other that should assist them in opposition to him ; and so careful was the House of the preservation of the Duke of *York*, that they returned his Majesty their humble Thanks for the care he had taken of his Royal Highness's person ; and when they granted the proper supplies for the service of the Government, the Commons brought in a particular Bill, for granting a farther month's Assessment, which enabled the King to raise an additional sum of one hundred and twenty thousand pounds ; this they prayed might be presented to the Duke of *York* *.

The last day of the Session it was resolved, that the Thanks of the House should be given to the Chancellor, Masters, and Scholars of the famous University of *Oxford*, for their eminent loyalty to his Majesty, and his father, of ever blessed memory. The

* This instance is one of the strongest proofs how easily that Prince might have retained the people's affection, and got more from them, had he afterwards governed according to law, than by arbitrarily seizing on what he had no right to.

same

same day that this Vote was made, *October 21*, the King came to the House of Peers, and passed such Bills as were ready, and then prorogued the Parliament.

Tho' the Duke of *York* had rendered himself so popular by his gallant behaviour at sea, yet having afterwards discovered his inclinations to Popery, and there was too much reason to believe that when he came to the Crown, he would use all possible means to introduce it, Lord *Cavendish*, who foresaw the dreadful consequences, began to reflect very seriously on the matter, and to look neither on the Duke nor Court in the same favourable light he had done before.

1666. In this year, notwithstanding the calamity of the fire of *London*, the Parliament granted a large Supply to the King, but at the same time complained, that Popery met with such encouragement, as to make a more than ordinary progress, which caused them to draw up an humble Address, wherein Lord *Cavendish* heartily joined, that the laws against it might be put in execution; in consequence of this a Proclamation was issued; but, by the Court intrigues, it produced no effect.

1667. The King, having conceived great displeasure against Lord *Clarendon*, his Chancellor, on account of the too great freedom he took in giving him good advice, in order to get rid of so disagreeable a monitor, countenanced an Impeachment to be brought against him in Parliament for several grievous crimes. The Chancellor, foreseeing the storm, withdrew out of *England*; upon which, the Lords thought proper to bring in a Bill for banishing and disabling him, which they sent down to the Commons; here Lord *Cavendish*, who judged it very unreasonable that any man should be condemned unheard, seconded the motion, that the Chancellor might have a day assigned to appear, and if he came not,

not, a Bill of Attainder should then be brought in, that the world might see, they had done something. Now to shew that Lord *Cavendish* acted from principle on this occasion, and not from any personal prejudice, it being of no consequence to our present subject, whether the Earl of *Clarendon* was guilty or innocent of the heavy crimes laid to his charge, since, in both cases, it was contrary to all the rules of justice and equity to condemn him unheard; and as the Bill passed, notwithstanding Lord *Cavendish*'s motion, we may presume that he saw plainly enough, that nothing criminal could be proved against him, and therefore he refused to concur in it*.

But let us take a short review of some matters that had happened since the Restoration, which have not been yet fully attended to. It seems, says a very impartial writer of those times, as if Heaven took more than ordinary care of *England*, that we did not throw up our liberties all at once upon the Restoration; for tho' some were for bringing back the King upon terms, yet, being once in possession, he had so entirely got the hearts of his people, that they thought nothing too much for them to grant. (Among other designs to please him, one was formed at Court

* It is to be remembered, to the honour of Sir *Stephen Fox*, bred in the Earl of *Devonshire*'s family, that in all proceedings against the unfortunate Chancellor, tho' he had a particular place in the King's household, yet he always voted in favour of the Earl of *Clarendon*, for which he was reprimanded by the King himself; who seeing him one day, said, *How now, Fox, how came you to vote against my inclinations?* Sir *Stephen* bravely answered to this effect: *Sir, I have known my Lord for many years, and I am sure he is an honest man; upon which the King instantly replied, Ay, Fox, you will say any thing, and so turned away without any more words, or future show of resentment.* The reflection that must here naturally occur, is, that this Gentleman behaved with the same gratitude to that great Minister in his adversity, as Sir *William Cavendish* had done long before him to Cardinal *Wolsey*, when the King had given him up a sacrifice to his enemies.

to settle such a revenue on him during life, as to place him beyond the necessity of applying to Parliament. The just and honest Earl of *Southampton*, then Lord High Treasurer, came heartily into this project; but Chancellor *Clarendon*, foreseeing the dangerous consequences, secretly opposed it, and having had a private conference with the Treasurer, brought him over to his sentiments, by representing the King's foibles, which no man in *England* was better acquainted with than himself, and plainly declaring, that if such a revenue were settled on him for life, they should not, in all probability, see many more Sessions of Parliament during this reign. The result of this conference came, by some means or other, to the King's ears, which, together with other things wherein the Chancellor had been misrepresented to him, besides the personal resentment he had conceived at the honest freedoms taken by that upright Minister, was the true reason why he abandoned him at this time to his enemies. We mention this instance, in support of what we have before said concerning my Lord *Cavendish's* refusing to condemn Lord *Clarendon* unheard; and what is a strong proof of his early regard to justice and equity, (which he afterwards more fully evinced upon several important occasions) was his seconding the before mentioned motion, that a certain day might be fixed for hearing the Earl, and that if he did not then appear to the summons, a Bill of Attainder might pass. In fact, the Earl's seconding the motion is no proof at all, that he looked on the Chancellor as guilty of any crime. He was now too well acquainted with the pernicious designs of the Court, not to perceive, that the whole was a malicious prosecution, and that the Chancellor's enemies dreaded nothing so much as bringing him to a fair and open trial. All they wanted, was to get rid of him; and this they effected by hastening the passing the afore-

said Bill. But here it is to be noted, that this Bill was read a third time on the 18th of *December*, to a thin House. When the question was put, there were only sixty-five Yea's for passing it, and forty-two Noe's against it.

This Parliament met on the 10th of *October*, and on the 19th of *December* following, it was adjourned to the next year.

1668. The King having thus got rid of an old and faithful Minister, who had been some check to his excesses, was now at full liberty to act without restraint; and accordingly he gave such a loose to his pleasures as had a very bad effect on the morals of his subjects. But yet, as dissolute as the Court then was, the King had something else in view, which was still more alarming, that was, to become absolute; this he had early made a favourite scheme with him, by which means he might always have it in his power to supply his boundless extravagancies, without being at the trouble of recurring to Parliament, nor were there wanting wicked Counsellors, who endeavoured to establish their fortunes on the ruins of the Constitution.

That this was the design, cannot be doubted by those who are acquainted with the annals of that inglorious reign. But Lord *Cavendish*, whom nothing could ever induce to betray, or give up the rights of a free people, dared to stem the torrent, and therefore joined with other Patriots in opposing the Court measures, and defeating its schemes.

The Parliament met in *February*, when the House of Commons began the publick business, in raising the Supplies; on which occasion they granted the King, by a Bill, a Supply of 310,000*l.* by laying a Duty on Wines, &c. and directed by another Bill, how the money, received for the use of the Crown, should be paid; next enquired into the Miscarriages of the War; and lastly, asserted their Privileges against
some

some Encroachments of the Lords. After the above and other Bills had received the Royal Assent, both Houses adjourned.

1669. This year my Lord accompanied Mr. *Montagu* (afterwards Duke of *Montagu*) in his Embassy to *France*, where an affair happened, which might have had very dangerous consequences; but our young Lord behaved in so noble a manner, that every circumstance of it sets his personal character in the most amiable light. He had received an affront at the Opera in *Paris*, by some Officers of the Guard, who, as it is said, were in liquor, and one of them having particularly insulted him, his Lordship in return struck him on the face; upon which four or five of them all drew their swords, and fell on him at once. Unterrified at so unequal a combat, he made a very gallant defence, yet he received several wounds, and must have been overpowered by his cowardly adversaries, had not a brave *Swiss*, a domestic belonging to Mr. *Montagu*, caught him up in his arms, and thrown him into the Pit; the flesh of his arm, however, by the fall, was torn by one of the iron spikes of the orchestra, which left a scar, that was visible to the day of his death. This brave action was reported all over *Europe*, as much to the honour of my Lord, as to the disgrace of the aggressors. That great and able Minister, Sir *William Temple*, was at this time the *English* Ambassador in *Holland*, who did, by an elegant letter, compliment his Lordship upon it, by which it sufficiently appeared, that Sir *William* thought that his spirit and behaviour on that occasion were even of national importance, as it gave the *French* the highest ideas of the *English* courage. Still it must be observed, that the *French* King, when he was informed of this matter, ordered the offenders to be imprisoned.

It has been justly remarked, that none are more cruel and vindictive than cowards, and that the

truly brave are incapable of insulting over a vanquished enemy, let the provocation have been ever so great. Lord *Cavendish* shewed, on this occasion, that the sweetness of his disposition was equal to his courage; he applied for, and obtained their discharge from the imprisonment. And however the *French* may pique themselves on their national politeness, and charge the proud Insularies, as they are pleased to call us, with roughness and barbarism, we believe we may venture to affirm, that, had the same incident happened to one of their country, we will not say at our *Opera-house*, but even at *Sadler's-wells*, or the *Bear-garden*, the whole company to a man would have resented the affront, and treated the aggressors as they deserved.

On the 19th of *October*, this year, the Parliament met, after an intermission and recess for one year and five months, to whom the King made a Speech. But instead of taking the Speech into consideration, the Commons enquired into some points of Privilege with relation to the two Houses, and were strict in the examination of the accounts of the monies expended in the publick affairs; in the passing of which they found Sir *George Carteret*, who had the keeping of some of the books relating to those accounts, so blameable, that they expelled him the House. Next they took Sir *Samuel Barnardiston's* case into consideration, and came to several resolutions relating thereto. Now had Lord *Cavendish* been, at this time in *England*, we have no reason to doubt but one of his public spirit would have been one of the first in attending to these important enquiries. But we shall say no more on this head, than that the King by commission suddenly put an end to this Session by a prorogation, without passing any Act, tho' a supply of 400,000*l.* had been voted, for his special occasions.

1670. On the 14th of *February*, the Parliament met again, after a short recess, to whom the King made a Speech.

This

This Session did not last much above seven weeks; the House of Commons were exactly attentive to four things, namely, the Difference between the two Houses, the Prosecution of the Dissenters, the Union of the two Kingdoms, and the Supplies for his Majesty's service; the first being revived to such a degree, that the King himself thought fit to interpose, and to make a proposition, in order to put an end to it, which was accepted of by the House, who returned his Majesty their hearty Thanks for what he had done.

After this they proceeded with such great expedition in raising the Supplies, and other matters, that several Bills were got ready by the 11th of *April*, on which day his Majesty came to the House of Peers, and passed them, and then the House adjourned to the 23d of *October*.

On that day the King, according to custom, opened the Parliament with a Speech from the Throne to both Houses. But at this time there was a great complaint against the growth of Popery, insomuch that, as there were a greater number of Priests and Jesuits frequenting the cities of *London* and *Westminster*, and most of the counties in these Kingdoms, than formerly, the House in the first place drew up the following remarkable Address, in which the Lords afterwards joined.

“ We your Majesty's most humble and loyal subjects, the Lords and Commons in this present Parliament, being sensible of your Majesty's constancy to the Protestant religion both at home and abroad, do hold ourselves bound in conscience and duty to represent to your Majesty the dangerous growth of Popery in your dominions, the ill consequences whereof we heartily desire may be prevented.”

After this Address was presented, the King paid so much regard to it, that he issued a Proclamation against Papists, wherein there was an order to the Magistrates

Magistrates and others, to put the laws in execution against them.

However, the Parliament was not so taken up in proceeding against Popery, but they found time to pass two Bills; one for granting a Subsidy to his Majesty to supply his extraordinary expences, and the other for an additional Excise upon beer, ale, and other liquors; which shortly after received the Royal Assent, and then the Parliament was prorogued.

1670, Lord *Cavendish* was now returned to his native country, and finding that the nation was in great confusion through too many at Court encouraging Popery, he, as becoming a good patriot, exerted no less intrepidity in opposing its domestick enemies, than he had done against those abroad. The King, he saw, still persisted in his favourite scheme, to facilitate which, he had established a Cabinet Council, consisting of five persons only, to wit, *Clifford, Arlington, Buckingham, Ashley, and Lauderdale*, the initial letters of whose names composed the word CABAL, by which title they were from thenceforward distinguished; for as to the Privy Council, which consisted of twenty-one of the most considerable persons in the Kingdom, it was not thought proper to lay so destructive a project before them. In short, Posterity has fully discovered, from the state papers, and other secret transactions, how dangerous a situation the Constitution was then in; and if it still continues on its antient basis, we may thank the generous *Cavendish*, who, in conjunction with his fellow patriots, stood in the gap, like another *Curtius*, to save his country from impending ruin; in this, however, happier than that undaunted *Roman*, that, instead of perishing in the gap, he preserved at once both himself and the Constitution, in whose destruction such champions must inevitably have shared.

1671. The Court having, under several specious pretences, obtained a large supply from Parliament the preceding year, had no other view but to contract a close connection with *France*, in order to crush the *Dutch* more effectually. In pursuance of this pernicious design, a league was made the following year with our natural enemies, against those whom it will always be the interest of *Britain* to protect. Every one knows how perfidiously the United Provinces were invaded, and how they were almost brought to the brink of ruin, by the rapid progress of the *French* arms, and what murmurs were universally raised here on this account, and how providentially the dark designs of the Court were at last partly laid open and defeated.

1672. *April* the 16th the Parliament met, and was farther prorogued to *October* the 30th, and from thence to *February*.

Before its meeting, *Ashley*, one of the CABAL, who had been created Earl of *Shaftesbury*, and Lord High Chancellor, having sealed several Writs, founded upon arbitrary Proceedings, and fearing to be called to an account by the Parliament touching those matters, in order to ward off the blow, he quitted the King's party, and threw himself into the arms of those who opposed them, by which means my Lord *Cavendish* came to be acquainted with some Court secrets.

1673. On the 4th of *February* the Parliament met; to whom the King, as usual, made a Speech, and when the Commons were returned to their House to proceed on business, my Lord *Cavendish*, in the first place, took notice not only of the frequent Prorogations, but withal lamented the misfortune the nation laboured under through them, and at the same time expressed his fears, that that would generally be the case as long as evil Counsellors were about the King; he therefore moved, that they should, in the first place, use their best endeavours to get them removed.

But

But this motion was postponed for the present, to give way to other matters. One of them was, both Houses presented an Address to his Majesty against Papists, and therein represented the great danger and mischiefs arising by the encrease of Popish Recusants among us, and prayed that the laws might be put in execution against them. To this the King gave the following answer: "I heartily agree with you in the matter of your Address, and shall give speedy orders to put the laws in execution as directed, but hope it is not meant to extend to the forces beyond sea."

At this time the nation was in a ferment upon account of what we have been speaking of, which made my Lord *Cavendish*, and other patriots, zealously to promote the bringing in, and attend to its progress thro' both Houses, until it was passed into a law, that useful *Act for preventing dangers that may happen from Popish Recusants*, and now commonly called the TEST ACT; whereby, among other things, it is declared; "That all persons not taking the Sacrament according to the form of the Church of *England*, and renouncing Transubstantiation, should be rendered incapable of holding any office, &c." Indeed, the Duke of *York* looked on this step as a fatal blow to his interest, as well as the Popish religion, to which he was so extremely bigotted. *Burnet* says, "That, when the Act passed, he waited on the King, and gave up all his posts; and tho' he shed tears, yet the King seemed not at all concerned." Upon this occasion the Parliament granted a large Supply, which induced Lord *Cavendish* to say, smiling, at the end of the Session, "That, when so much money was granted to buy a law against Popery, the force of the money would be stronger in order to bring it in, than the law would be for keeping it out*."

* *Mallet*, reflecting on the King's Mistresses, who had a mighty influence over him, justly observed on this occasion, that the promiscuous use of women ought to be considered, for they betray the Councils of the nation.

We agree with the noble Lord, that money will always have a mighty influence on men of no principles, and many, we believe, there are, among Protestants as well as Papists, who would make little scruple of exchanging their religion for a very moderate sum; yet still it must be granted, as experience evinces, that the TEST-ACT (which was afterwards confirmed by another, expressly prohibiting Papists sitting in Parliament,) was excellently calculated to prevent the latter from introducing themselves into offices, either in Church or State; this, it may be presumed, will be the case, as long as Popery subsists, or those Acts are unrepealed, which, it is hoped, will never happen.

1674. In this year the King was compelled, as it were, to make a separate peace with the *Dutch*, purely to pacify the clamours of the people. This was highly agreeable to the whole nation, and to none more than to our inflexible Patriot, who, tho' he once exerted his courage against that people, yet, being now thoroughly convinced, by experience, that nothing could be more prejudicial to the real interest of *England* than the measures which the present Administration had been pursuing, he therefore did every thing in his power to restore a good understanding between the two nations.

This year my Lord's beloved grandmother, the truly pious and virtuous Countess Dowager of *Devonshire*, departed this life in a good old age.

1675. The Parliament met on the 13th of *April*, when the King, in his Speech, declared, "*That he would leave nothing undone that might show the world his zeal for the Protestant religion, as established in the Church of England, from which he would never depart*"; recommended to them the condition of the Fleet, but above all such a temper and moderation as might disappoint those, who, by violent measures,

hoped to prevent the Session from being brought to a happy conclusion."

The Commons instantly, in an Address, returned their humble and hearty thanks for his Majesty's gracious promises.

Next they proceeded to take into consideration the state of the nation. After some debate, one of them moved, *on the behalf of the kingdom, and the whole Christian world (France excepted),* "that an Address be presented, praying his Majesty that directions might be given *for recalling the English forces in the French service,* so that they might be no longer encouraged to ruin us, and the rest of their neighbours."

My Lord *Cavendish* seconded the motion, and in his Speech said, "That what he most apprehended was, that of *Flanders* falling into the hands of the *French*; if one Prince, continues he, has been able to manage a war against *Christendom*, surely we have just reason to fear, that *England* alone will not be able to contend with him," and therefore he prayed it might be added to the Address, "That his Majesty would be graciously pleased to order, that no more of his subjects should enter into the *French* service."

The Address being agreed to, and presented; the King, in answer, replied, "*That he conceived that he could not recall his forces without derogation of his honour and dignity, and which, if done, might be prejudicial to the peace which he now enjoyed with his neighbours; but, that he would forbid all his subjects, for the future, from entering into the service of France.*"

Before the House received this answer, they were enquiring into the state of the Navy, on which there were a great many debates. My Lord *Cavendish* spoke on the occasion, declaring there had been no less than 2,600,000*l.* spent, and yet little of it employed in the maritime service, for which

which use the money was designed ; so consequently the rest must have been wasted. He added, that it was reported there were not above 2000 *English* in the *French* service. “ Strange, indeed, (says he,) seeing the *French* acknowledge, that they won last summer two battles thro’ the means of our forces. Let us, I pray you, go into a grand committee, and look farther into these matters.” This was seconded, and withal it was moved, that the Committee should at the same time particularly consider his Majesty’s answer to their last Address. This being resolved on, the House went into a Committee.

Mr. G—, in the first place, observed, “ That this was one of the most serious businesses that ever was brought before the House ; the *French*, (added he,) will certainly over-run all *Flanders* if they are not, by some means, immediately stopped.” Another member said, “ if the King’s proclamation was not sufficient to recall the forces, he would join in any other proper method to oblige them to return home ; and then moved to farther address his Majesty, that the soldiers, who have gone into the *French* service, since the conclusion of the peace with *Holland*, might be recalled.”

One of the King’s Secretaries, in a seeming heat, answered, “ *Let any one (says he) lay his hand upon his heart, and declare, whether the King, with his honour, at present can recall them.*” Upon this, warm debates ensued, which occasioned the House adjourning till the next morning, *May 11*, when they met, and the debates were resumed. But at last it was resolved to address, for the purposes moved for.

Whilst the Members were thus engaged, a difference arose between the two Houses concerning Privilege, which was carried to such a height, that his Majesty thought proper to interpose. So that on the 9th of *June*, he came to the House of Peers, and the Commons being sent for, the King

made a Speech, saying, " He had called them together for the settlement of their religion and property, therefore he had mentioned none of his own affairs; and that now he intended only to have adjourned the Parliament, that they might have had an opportunity to perfect some good and wholesome Bills they had before them; but that the malice of their enemies had raised such feuds, by the difference which had happened, that it obliged him to prorogue instead of adjourning them. However, he intended to meet both Houses early in the next winter." Then the Lord Keeper, by his Majesty's command, prorogued both Houses to the 13th of *October*.

On the 13th of *October* the Parliament met, when a matter happened which in the event nearly concerned my Lord *Cavendish*, and was briefly thus.

In one of the actions between the *French* and their enemies since the death of Marshal *Turenne*, Colonel *John Howard* was, among other *English* gentlemen, killed; which being told to my Lord *Cavendish* and Sir *Thomas Meres*, as news, in *St. James's Park*, it was reported they should say, *That the Colonel was rightly served, and that they wished that every other Englishman might fare no better that acted against a Vote of Parliament.* Mr. *Thomas Howard*, brother of the deceased, hearing of this, out of revenge, dispersed up and down a paper in the nature of a letter, signed by himself, wherein he called my Lord and Sir *Thomas* incendiaries, besides using other opprobrious words.

One of these papers was delivered, by a servant, to one of the Members, and he finding that it contained very unbecoming words, thought proper, on the 14th, to acquaint the House of it, where it was read in my Lord *Cavendish's* presence; who being greatly surprized at some expressions in it, and going out of the House in a seeming heat, was observed by Mr.

Russel,

Ruffel, who instantly moved, that my Lord might be enjoined not to go ; which was done accordingly.

After this, the House made an Order, that neither his Lordship, nor Sir *Thomas Meres*, should prosecute any quarrel against Mr. *Howard*, nor send, nor accept any challenge from him, without informing the House.

On the 18th an Order was made, that three Members should go to Mr. *Howard*, (as he was laid up with the gout) to examine him, whether he signed the letter ; but he avoided giving an answer to the question.

After this, the House voted it not only a scandalous paper, but a breach of Privilege, and ordered *Howard* to attend in person.

In the mean time my Lord was informed, that *Howard* should say, “ That his Lordship had heard of the paper before the meeting of the Parliament, and yet did not think proper till now to call him to an account for it :” This so irritated his Lordship, who thought it nearly touched his honour, that, as the scandalous paper had been scattered about in *Whitehall*, he ordered his servant to fix one up at the gate of that palace, wherein he styled *Howard* a coward.

This paper was taken down by one belonging to the Court, and carried to the King, who, was graciously pleased to order an enquiry to be made into the occasion of it. His Lordship’s paper was also laid before the House of Commons on the 20th, where it was taken into consideration, and several means were proposed to prevent the mischiefs that might follow from it. Whilst these matters were debating, *Cavendish* came in, when Mr. Speaker, by command of the House, acquainted him, “ That they were informed that he had broken the Privilege of the House, by fixing up the paper, and desired to hear what he had to say to it, before he was ordered to withdraw.”

My

My Lord only said, "He should ever have the highest respect for their Privilege, and submitted to whatever the House should determine concerning him," and then he withdrew.

After debate it was resolved the same day, that his Lordship should, for this breach, be committed to the *Tower*; from whence, in two days, he was discharged, upon acknowledging, by a Petition, his offence, and begging pardon of the House.

On the 25th, complaint was made to the House, by a Member, "That whilst they were about the business of the nation it was interrupted by challenges, and that he heard this morning my Lord *Cavendish* had been challenged." This occasioned another enquiry; when a Gentleman gave the following account of the matter: "That he suspected something of this nature was going forward, by meeting Mr. *Newport*, coming out of my Lord *Cavendish*'s house yesterday morning."

Another Member said, "There were not wanting those who gave great encouragement to others to affront my Lord *Cavendish*: But this, (added he,) was not a quarrel against him, but the whole House; so that if some course was not taken to put a stop to such behaviour, they should be hector'd, or oblig'd to fight, with every live-guard-man, who should think proper to raise a quarrel with any of them;" and then he related what he had heard a Lawyer in the *Temple* mention concerning Lord *Cavendish*: "*Is it not a pretty story, (says he,) that my Lord Cavendish should complain of Mr. Howard's letter, when he heard of it before the meeting of the Parliament; pray why did he not take notice of it then, and not now hinder the King's business?*" It had been also reported, that this Lawyer had spoken to the same effect to Mr. *Sawyer*, a Member of the House: but upon his being asked by my Lord, whether

whether it was true? he answered, he did not hear any such words.

Mr. *Waller* spoke next, who expressed himself as follows, "*They who would fight with King, Lords, and Commons, will fight with any of us. In France,* (says he,) *there are Edicts against Duels, but that will stand with arbitrary Governments only;*" he therefore moved, in order to prevent such mischiefs for the future, something might be done. What Mr. *Waller* urged had so much weight with the House, that they voted, "*That whoever should prosecute any thing further in this matter, should be declared a violator of the Privilege of the House*.*"

This Vote was immediately drawn up in proper form, and by order fixed not only on *Westminster-Hall* gate, but those of the several Inns of Court.

And it was at the same time proposed to bring in a Bill, to render every one that should fight a Duel incapable of pardon; but this proposal was no sooner mentioned than laid aside.

* The Writer of Mr. *Waller's* life says, "That he was so absolute a master of eloquence, that if he had lived in the days of *Demosthenes*, or *Tully*, his compositions of that kind might have borne the test of their judgments; and their pleadings would have received honour from his approbation. "He was, says the Earl of *Clarendon*, a man very powerful in language; and who, by what he spoke, and in the manner of speaking it, exceedingly captivated the good will and benevolence of his hearers; which is the highest part of an Orator." This admirable talent he had frequent opportunities of exercising in the House of Commons; of which I believe he was a Member from the time of his leaving *Cambridge*, in the reign of King *James* the First, to the end of that Parliament which was dissolved in the year 1678: In which long tract of time, he, doubtless, made many Speeches; of which posterity has the greater reason to regret the loss, by taking an estimate of their value from the excellence of what are remaining. The title prefixed to each of them informs us of the time, and occasion, of their being spoken." But Mr. *Grey's* Debates were not then published, in which are several of Mr. *Waller's* speeches. See the next Note, p. 46.

The

The House was now informed, "That his Majesty, in order to preserve the public peace, had directed the persons concerned in the challenge to be confined." Upon this one of the Members took notice, that my Lord *Cavendish* was in the House, and desired to know, what engagement his Lordship had made to the King on this occasion?

He was answered, "That the message from his Majesty to Lord *Cavendish* was, *That he should not send any challenge to Mr. Howard, nor any one else.*

Another Member, upon hearing this, said, "As the order came from the King, it could not fail of having the desired effect, and that his Majesty ought to be thanked for his paternal care of the Members of the House, and at the same time to implore his farther protection, should the like happen again."

Sir *William Temple* concluded this Debate with saying, "*That the great occasion of Duels here was, that the Law does not give the affronted party a proper remedy for the injury he had sustained. In France (says he) it is otherwise; for there a strict course is taken to repair a man in his honour. In short, the defect in our Laws, by not giving an adequate satisfaction for affrontive words, occasions many Duels.*"

At last the House ordered in a Bill, *to prevent Duels, and provocations to Duels*; but it does not appear that any such Bill was ever brought in.

On the 26th, Mr. *Howard* attended the House, according to order, where he was asked by Mr. Speaker, whether he signed the paper in question? All the answer he gave, was, "Let any one, if he can, (looking at the paper) prove that it is my hand-writing;" and then he withdrew.

Mr. *Howard* was no sooner withdrawn, than one of the Members moved, that he should be treated as the House had my Lord *Cavendish*.

"But (says Sir *Philip Harcourt*,) this would be unequal; for *Howard's offence was of such a nature*

ture as to reflect on the whole House, whereas my Lord Cavendish's was only a personal thing."

However, after some farther debate, it was resolved, "That Mr. Howard was the author and disperser of the paper, which the House had declared to be a scandalous one." Upon this he was called in, when he was ordered to kneel, and in that posture he received the judgment of the House from Mr. Speaker, i. e. "*That he should for his offence be committed to the Tower, during their pleasure,*" to which place he was immediately conveyed by the Serjeant at Arms.

There he remained till the 8th of November, when he petitioned to be discharged, in which he acknowledged his offence, and begged pardon of the House; and tho' my Lord Cavendish had been so ill used, neither himself nor Sir Thomas Meres opposed his release; so that he was instantly discharged: nay, so desirous was the House afterwards of reconciling my Lord, Sir Thomas Meres, and Mr. Howard, that they directed them to attend the Speaker, in order to make them all friends, which we fancy he did, because we do not find any farther mention relating to this affair.

Though Burnet has not given his Lordship the character he deserves, yet he found himself obliged to own, "*That my Lord had the courage of a hero, with an unusual proportion both of wit and knowledge, and had also a great softness in his exterior deportment.*"

In a word, it appears from Lord Cavendish's whole behaviour through this affair, that he acted both like a patriot and a man of honour, first, in resenting the disrespect shewn to the Vote of the House, and at last in not pushing things to extremity, when he had so great an advantage over the aggressor. Indeed, every circumstance proves Mr. Howard to

have been highly to blame; for tho' Lord *Cavendish* was judged guilty of a breach of Privilege in posting him up, yet the different treatment which the House shewed to each party, sufficiently evinces, that their committing my Lord to the *Tower* was only for mere form sake, whereas that of the other's was done by way of punishment *.

But to return to the Proceedings of the House: This Session had but a short duration. For after the above transaction we find that the King was so highly displeased with some of their resolutions, that on the 22d of *November* he came to the House of Peers, and sent for the Commons, where the Lord Keeper, by his Majesty's command, prorogued them to the 15th of *February*, 1677.

1676. As to the following year nothing material happened relative to our present subject, and I shall therefore pass it over, and proceed to the next.

1677. The 15th of *February* the Parliament met, after a prorogation of fifteen months: The King, in his Speech, informed both Houses, "That he called them together, that they might have an opportunity of repairing the misfortunes of the last Session, and to recover and restore the right use of Parliaments, and at the same time declared his readiness to pass as many laws as they should desire, for the better security of their liberties and properties, if they thought any were wanting."

What he required on his own part of them, were, first, "to consider the necessity of building more ships; next, that as the additional revenue of the Excise

* See an useful and valuable Work, published in 1763, by *Henry and Cave and J. Emonson* in *St. John's Square*, intitled, *Debates of the House of Commons, from the year 1667 to 1694, by the Hon. Anchitell Grey, Esq; who was thirty years Member for the town of Derby, and was extremely well known to and respected by my Lord Cavendish.*

would

would shortly expire, he hoped they would not deny him a continuance of it, nor such other supplies as should be necessary for the good of the public."

As the Parliament had been prorogued for above a year, my Lord *Cavendish*, and some other Members, doubted whether that prorogation was legal; and therefore thought it ought not to pass over without a question, i. e. *Whether the Parliament by so long a prorogation was not actually dissolved?* but after it had been debated for some time, it was at last dropped, and the House proceeded to other business. *

Next,

* This matter, which my Lord *Cavendish* moved in the House of Commons, concerning the Parliament being dissolved, as it had been prorogued for above a year, was also canvassed in the House of Lords—The Duke of *Buckingham* opened the matter in a speech, which he concluded as follows:

"Nothing (says his Grace) can be more dangerous to a King or a people, than that the laws should be made by an assembly, of which there can be a doubt, whether they have a power to make laws or no: And it would be in us inexcusable, if we should over-look this danger, since there is for it so easy a remedy, which the law requires, and which all the nation longs for.

"*The calling a new Parliament*, it is, that only can put his Majesty into a possibility of receiving supplies; that can secure your Lordships the honour of sitting in this House like Peers, and your being serviceable to your King and country; and that can restore to all the people of *England* their undoubted rights of frequently choosing men to represent their grievances in Parliament; without this, all we could do would be in vain; the nation may languish a while, but must perish at last: We should become a burthen to ourselves, and a prey to our neighbours. My Motion, therefore, to your Lordships shall be, that we humbly address ourselves to his Majesty, and beg of him, for his own sake, as well as for the people's sake, to give us speedily a new Parliament; that so we may unanimously, before it is too late, use our utmost endeavours for his Majesty's service, and for the safety, the welfare, and the glory of the *English* nation."

Some of the words in the Duke's speech were thought so bold by the Lords in the Ministry, that one of them moved that the Duke might be called to the bar. But the Earl of *Shaftesbury*, who was fully prepared, opposed this motion as im-

Next, they by an Address humbly thanked his Majesty for his Speech, and afterwards went into a Grand Committee, to consider of ways and means to raise the Supply desired. At first it was proposed to give the King 400,000*l.* for building twenty ships of war, which one in the Committee said was enough in conscience, seeing that the Customs were set apart for that purpose, and brought in at least 600,000*l.* *per annum.* However, upon farther consideration it was at last agreed, in order that nothing should be wanting to answer what was proposed, to grant a sum not exceeding 600,000*l.*

It is here to be observed, that Lord *Cavendish* had before promoted the bringing in a Bill, *for recalling the English forces out of the French King's service*, which had been agreed to, and read the first time; it was now proposed, the 22d of *February*, to read it

proper and extravagant; and did, with great courage and sharpness of application, second and enforce the Duke of *Buckingham's* argument; and the Earl of *Salisbury* and the Lord *Wharton* fell in briskly on the same side. While one of them was speaking, the Duke took a pen, and writ the following syllogism: "It is a maxim in the law of *England*, that the Kings of *England* are bound up by all the statutes made *pro bono publico*, that every order or direction of theirs, contrary to the scope and full intent of any such statute, is void and null in law: But the last prorogation of the Parliament was an order of the King's, contrary to an act of King *Edward III.* made for the greatest common good, *viz.* The maintenance of all the statutes of *England*, and for the prevention of the mischiefs and grievances which daily happen: *Ergo* the last prorogation of Parliament is void and null in law; after which he appealed to the *Bishops*, whether it was not a true syllogism, and to the Judges, whether the propositions were not true in law.

The debates arose to that height, that all the four Lords were ordered to be sent to the *Tower* for contempt of the authority and being of the present Parliament, there to remain during the pleasure of his Majesty and the House of *Peers*. In the mean time the Duke of *Buckingham* took the opportunity of slipping out of the House, while the Lord *Anglesey* was arguing against committing them. The House, finding he had withdrawn

it a second time, which was also agreed to, and after some debate the Bill was ordered to be committed.

Now as to the 600,000*l.* which had been voted, the House resolved that it should be raised by a Land-Tax, &c. and in the Grand Committee, when the matter was under consideration, there arose a question, how far the Customs should be appropriated towards making good that supply; which being proposed, it was resolved that neither the tonnage nor poundage should be appropriated for the use of the Navy.

My Lord *Cavendish*, after this point was determined, stood up, and declared, "That he was of an opinion, from what he had lately observed, that there continued still creatures and pensioners of *France* in our Councils, and therefore he moved, that an Address should be presented to the King, to remove *Lauderdale* from thence; which, however,

withdrawn himself, were in a rage, and designed to address the King for a proclamation against him; but the Duke, foreseeing the event, would not give them so much trouble, and appearing the next day in his place, the Court Lords immediately cried out, *To the bar!* But his Grace, who could readily turn any thing serious into a jest, and extricate himself out of any difficulties, rose up, and said, *He begged their Lordships pardon for retiring the night before; That they very well knew the exact economy he kept in his family, and perceiving their Lordships intended he should be some time in another place, he only went home to set his house in order, and was now come to submit to their Lordships pleasure; which was to send him to the Tower, after the Earls of Shafesbury and Salisbury, and the Lord Wharton. It was said, that the Earl of Shafesbury, being jealous of the Duke's setting himself up for the head of his party, used to speak slightly of him as a man inconstant and giddy, which the other hearing, repented. It happened afterwards that the Duke, the Earl of Salisbury, and the Lord Wharton, being discharged on their submission, and only the Earl of Shafesbury continued in the Tower, because he then refused to make the like, the Earl looking out of a window as his Grace was taking coach, cried out, What, my Lord, are you going to leave us? Ay, my Lord, said he, such giddy-headed fellows as I can never stay long in a place.* This Earl continued there for above a year afterwards.

was

was not agreed to; but it was resolved, that an Address should be presented to his Majesty, concerning the present power of *France*, and therein humbly to beseech him to make such alliances with foreign powers; as he should think would be most conducive to the good of the kingdom, and quiet the fears of the people."

On the 12th of *March* the House resolved to grant his Majesty a farther supply, by continuing the additional Excise for three years.

On the 16th, it was resolved, That those persons who had either compelled, advised, assisted, or encouraged the raising, levying, carrying, or sending any of his Majesty's subjects into the military service of the *French* King, since his Majesty's Proclamation issued upon an Address from this House, on the 19th of *May*, 1675, *were and should be esteemed, enemies to the peace of the King and Kingdom.*

On the 19th, my Lord *Cavendish* moved, "That an enquiry should be made touching the money that had been raised by granting Wine-licences;" which was seconded, but, after some farther consideration, this motion was dropped.

On the 26th the Commons resolved, "That a farther Address should be made to his Majesty, to give him an assurance, *that if, in pursuance of the desire of this House, he should find himself necessitated to enter into a war, they would fully aid him from time to time, and assist him in that war.*"

April the 11th, his Majesty sent a message to the House, wherein he said, "*That finding some alterations in the affairs abroad, he thought it necessary to put them in mind that the only way to prevent the danger which might arise from enemies, was that of putting him in a condition to make such suitable preparations as should enable him to defeat their machinations and designs, and thereby preserve the public peace.*"—And if they shall desire to sit for any longer time, his Majesty was
content

content to let them adjourn till after *Easter*, and then meet again, and proceed to perfect such Bills as were before them, if they thought they would be of public utility."

After this message was read, it was moved, That the House should adjourn, so that the King might have time to make such preparations as he thought would best answer the end proposed.

Upon this one of the Members said, "That he was glad to find by the message, that their former Addresses had had so good an effect." "But (says my Lord *Cavendish*) it is true the King signifies, *that there have been alterations in the affairs abroad*; yet he does not tell us what they are, nor what influence they have had either upon our own or foreign Councils, when it is known (continues my Lord) the King may depend on having granted all such reasonable supplies as could be desired, but at present he was not for complying with what was demanded."

As to the remainder of what passed in the House, *pro* and *con*, touching these matters, till the adjournment, we shall here briefly relate them as follows:

The Courtiers, and those who were attached to them, said: "That the alteration of affairs, that his Majesty in his message took notice of, was, that the *French King* was upon the point of taking all *Flanders*, which might be justly reckoned the out-work of *England* as well as that of *Holland*, and therefore it behoved the House to instantly present his Majesty with such ample supplies as might enable him to resist the enemy, and defeat his pernicious design."

To this my Lord *Ruffel*, and some other Patriots, answered, "That it was not usual, at the end of a Session, to ask for farther supplies; and it was fit in the first place to have alliances made, as had been often desired. However they, the Patriots, were, for the present, for adjourning,
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in order that proper measures at last might be pursued; for, say they, we ought not to give money till we certainly know for what use it is to be applied, and that if there was no summer war, as there did not seem any likelihood there would be, they had given money enough already."

The Ministers replied, "That for their part they had no direction from his Majesty to mention what he had resolved upon, and that it might be inconvenient to discover and publish such resolutions if taken, especially upon a near approach of a war, and that they ought to consider like him in the Gospel, *Whether with such a force they should be able to encounter a King that came against them with a superior one*, and therefore, they should think of providing a guard for the Isles of *Wight, Jersey, Guernsey*, and *Ireland*, and secure, in all events, our coasts, from being insulted by an enemy.

The Patriots rejoined, saying, "It was a melancholy thing, indeed, to hear that *Jersey*, &c. were not secured, at least as well as in the year 1665, when we alone had a war both with the *French* and *Dutch*, and at the same time it was insisted on, that we were still kept in the dark, and that if his Majesty would speak out and see the alliances were made, as desired, against the growth of the *French* power, and resolve with his Parliament to maintain them, all would be well. But, continued they, so long as coldness and reservedness subsist between the King and his Parliament, they had no reasonable grounds to grant money for preparations. But, in short, all that they desired was, that his Majesty and his people might unanimously and thoroughly declare and engage in this business with mutual confidence in each other, and that would be the means to discharge and extinguish all jealousies for the future.

But the Courtiers immediately objected to some part of what they mentioned, saying, "That it

was not convenient to discover his Majesty's secret purpose, especially in a public Assembly, for then it might be soon known abroad, and that in fact there was no reason to distrust him.

"Nor has his Majesty (answered the Patriots) any cause to distrust his faithful Commons."

At last the Debates concluded with voting an Answer to the King's Message, purporting, *"That it was with great satisfaction of mind they observed the regard his Majesty was pleased to express for their former Addresses, by intimating to them, that there was an alteration in the affairs abroad; and having taken into serious consideration the same, and of the preparations, that he had therein intimated to them, were fittest to be made in order to answer the useful ends proposed, they had made provision for that purpose in a Bill for an additional duty on Beer, Ale, &c. upon which he might immediately raise 200,000l. and if he should think fit to call them together again in some short time after Easter, he should, at their next meeting, be not only reimbursed what money he had further expended, in such extraordinary preparations as should be made in pursuance of their former Addresses, but they would likewise furnish his Majesty with such supplies, if necessary, as might give the whole world an ample testimony of their loyalty and affection for his service."*

The King finding, from their Answer, that the Money-Bill was ready, and that he was not likely to get any more money at present from his Parliament, suddenly came to the House of Peers on the 16th of April, in the evening. Being seated on his throne, he sent for the Commons, and gave the Royal Assent to several Bills prepared for him; among others were,

1. *An Act for raising 584,000l. &c. for the speedy building thirty ships of war.*

2. *An Act for an additional Excise upon Beer, Ale, and other liquors, for three years.*

3. *An Act to prevent frauds and perjuries.*

4. *An Act for taking affidavits in the country.*

After which the Lord Chancellor, by his Majesty's command, acquainted both Houses, "That they had leave to adjourn themselves till the 21st of *May* next," which they accordingly did. So that it here appears, that the House could not adjourn for a time, without the Royal leave, which is not the case now-a-days; for they adjourn at pleasure, without asking such leave.

On the 21st of *May* the Parliament met, after an adjournment of near five weeks; when his Majesty sent a verbal message to the House of Commons, acquainting them, "That having, according to their desire, directed their adjournment to this time, he did now forthwith expect, that they would enter into consideration of his last Message for a further supply; and the rather, because there must be a recess very quickly."

Upon this it was moved, that the Message should be again read; which being done, after a long silence a debate began in regard to their expecting to have heard of Alliances being made; and particularly it was intimated, by my Lord *Cavendish*, and others, "that an Alliance with *Holland* was most expedient; for that otherwise we should deceive ourselves if we thought the power of *England* alone could withstand that of *France*, without the assistance of the *Dutch*, but that they apprehended both together might."

Next the House directed, upon my Lord *Cavendish*'s motion, that the Committee should be revived, in order to proceed upon the Bill for recalling his Majesty's subjects out of the French King's service; which was ordered.

After this the House resumed the Debate, concerning

cerning Alliances; when one of the Courtiers said, "Alliances were things of great weight and difficulty, and the time of the recess was short; but if they were actually finished, yet it was not convenient to publish them till the King was in a proper posture to prosecute and maintain them; that at present his Majesty could not so much as speak out." But whilst these matters were debating, an order came for the House instantly to attend at *Whitehall*; where the King made a Speech, in which he assured them, *upon the word of a King*, "That they should not repent any trust they reposed in him." He further assured them, "that he had not lost one day since their last meeting, in doing all he could for the public welfare;" and in the conclusion plainly told them, "that it should be their own fault, if every thing necessary for that end were not provided, and that that could not be done unless he had a further supply."

The House was no sooner returned, than the Commons resolved themselves into a Grand Committee, and there took the Speech into consideration, where many comments were made on it. At last my Lord *Carvendish* publickly declared, "*That tho' it was called the King's Speech, he thought it to be rather the product of ill Council.* We see (says he) money is demanded, yet we do not see that any Alliances have been entered into. Will it not (added his Lordship) be an ill Precedent, to further charge the people before any war is declared, or Alliances made? In short, will it not be time enough so to do when both one and the other are performed;" and therefore he moved, „ that Alliances should be forthwith entered into, both with *Holland* and *Spain*, against *France*, and that an humble Address should be presented to his Majesty on these heads;" which, being agreed to, it was drawn up.

On the 25th that Address was reported, and approved of, purporting, "That they humbly be-

secched his Majesty to believe, that it was a great affliction to them to be obliged at present to *decline giving what was asked, upon account of its not being agreeable to the usage of Parliament to grant supplies for the maintenance of a war and alliances before they were signified to them in form;*" and, in the conclusion of their Address, offered other reasons for their non-compliance with what was demanded.

On the 20th the King was informed of this 'Address, which, tho' it was extremely disagreeable to him, yet he ordered the House to attend him at *White-ball* the next day, being *Saturday*, the 27th, at three of the clock in the afternoon, to present it.

27. The House met at their usual time, and proceeded on business, and among other matters they read a third time, and passed, my Lord *Cavendish's* favourite Bill, *for recalling his Majesty's subjects out of the French King's service*, and sent it to the Lords, and then they attended his Majesty. After the Speaker had read the Address, the King only said, "*He would take it into consideration, and with all convenient speed return an Answer to it.*"

On the 29th they, by command, attended again, when his Majesty gave his reasons, why he could not at present explain himself touching the matters they had prayed, and then spoke concerning the supplies: "*Altho' (says his Majesty) you have denied me the necessary supplies, yet I have and will apply myself, by all means I can, for the security of my people;*" and at last said, "*Return to your House immediately, and adjourn to the 16th of July.*"

When they were returned, my Lord *Cavendish* and others attempted to move; but the Speaker stopped them, saying, he could not hear any one. On the contrary, he adjourned the House, agreeable to the Royal Command, and then sprang out of the Chair, and ran away from the hard words that followed him.

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The 16th of *July* the House met again, when they were adjourned to the 3d of *December* then following: my Lord *Cavendish*, however, before it was pronounced, moved, that the House might see the Entry in the Journal as to the method by which they were last adjourned. This motion was seconded; but the Speaker, in answer, said: "That as he had received his Majesty's command to adjourn, it was not in his power to do any thing in it;" so that after he had executed the Royal Order, he quitted the Chair, and went out of the House*.

Still it is to be observed, on the one hand, as to the very singular treatment the Commons had met with, that the *Dutch* affairs were about this time somewhat retrieved, by the valour and good conduct of the Prince of *Orange*; whilst, on the other, the King was secretly negotiating with *France*, from whence he proposed to draw a considerable pension, and thereby render himself more independent of them; which matters threw him into great perplexity, upon account of his not knowing whether it best suited his interest to adhere to and comply with the resolutions of his Parliament, from whom he was seeking supplies, or to continue his secret negotiations with *France*; the latter, no doubt, tho' it might answer his present purpose, would, if he succeeded, in the end certainly prove the ruin of *England*.

On the 3d of *December*, the Parliament met,

* It is very easily to be judged what umbrage this noble Lord's bold steps, which he took in the House of Commons in support of the true interest of his country, must have given to a corrupted fallen Court, and how much he exposed himself to the resentment of the King and his Ministers; yet this no way checked the ardour and zeal with which he had, from time to time, hitherto exerted himself.—For the reader will see, as we proceed, that his Lordship, in spite of all opposition, continued to act with the same inflexible resolution to the last.

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when they were adjourned to the 15th of *January* then following.

1678. On the 15th of *January*, this year, the Parliament assembled, when Mr. Secretary *Coven-try* delivered a Message to the House, which Mr. Speaker read; wherein the King said, “He had matters of great importance to communicate to his Commons, in answer to their late Address, but at present they were not ready, and therefore he directed the House instantly to adjourn themselves to the 28th of *January*.”

Upon this, my Lord *Cavendish* and some other Members got up, and would have spoke; but the Speaker would not permit either of them so to do, but immediately adjourned to the 28th.

On that day they assembled again, when his Majesty made a Speech to both Houses, signifying, “That he had made an alliance with *Holland*;” and withal added, “That he did not doubt but, with proper assistance, it would answer the end proposed, especially as he had given directions for recalling his troops from *France*, and married his niece, the Princess *Mary*, to the Prince of *Orange*.”

The House, in their Address, “thanked his Majesty, not only for what he had done, but for his great care of the Protestant Religion, by marrying his niece to the Prince of *Orange*; next, they besought his Majesty not to enter into any other treaty with *France*, other than such as should render her unable in futurity to disturb the peace of her neighbours. On this condition, they assured the King, that he should never want the support and assistance of his faithful Commons.”

The King was by no means pleased with, this Address, as appears from his answer: “*I am not a little surprized (says his Majesty) to find so much inserted in the Address of what should not be, and so little*
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of what should." However, he told them, ,, that if, by their assistance, he should be put into arms sufficient to perfect the work he proposed, he should not be weary of them till Christendom was restored to such a peace, as it should not be in the power of any Prince alone to disturb it."

After the reading this answer, Debates arose, when several Members called for a sight of the Treaty the King had entered into ; but the Courtiers opposed what they asked, and one of them said, "*There might be something in the Treaty, which might make it not fit to be communicated to five hundred men.*" Lord Cavendish, in reply, said, "*That he thought it was fit to be communicated to the five hundred men, especially as they were those from whom the Supplies must come ;*" adding, "*That he was sure, by delays somewhere, they had hitherto been kept in the dark.* Indeed, (says he,) if we should blindly grant supplies without knowing for what, it will be too late afterwards to complain, should they not be properly applied. However, (he further said) the House owed so much respect to the King, that they could do no less than to consider of this Answer in a grand Committee of the whole House ; wherefore he moved, it might be there considered the next morning ;" which was agreed to ; but just as the House was going to adjourn, one of the Members desired to know *What sort of an Alliance we had made ?* To this question an old Court Member answered, "*It was such an one as the States General approved of, and the Spaniards were well contented with.*"

The next day, according to order, the House, in a grand Committee, took into consideration the Answer to their Address. One of the Members asked again to see the Treaty ; "*for (says he) if there be modern examples to justify the imparting Leagues to the Parliament, &c. why cannot they be imparted to us.*"

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But one of the Courtiers shrewdly replied, “ *If it be dangerous for you to omit doing what you have formerly done, so is it for the King to do what was never done before, which, if done, might endanger his Prerogative.*”

My Lord Cavendish took him up, saying, “ I hear nothing objected against shewing us the Treaty, but the word *Prerogative*. I am sorry *the word is so abused* to be thrown into our debates, so as to prevent a just request being complied with, which so much concerns the safety and honour of the nation. *Prerogative* (continues he) protects us, but those abuse the word, who speak of it without telling us how it is kept up for our safety. I am for the *Prerogative*, as it is by Law established; but not for a *Prerogative* to be swayed by ill Councils. Nor am I for the Ministers having money, to employ it either for a short war, or possibly no war at all. Let us be first shewed, that a war is intended in earnest. But, to be plain, I am sorry to say it, I begin to believe that no war is intended. When the contrary appears I shall be for granting a supply; but till then I will not consent to give one penny.”

In a word, after long debates, notwithstanding all that had been said, it was resolved at last that a supply should be granted to his Majesty, to be employed in support of the Alliance he had lately made with the States General, for the preservation of the *Spanish Netherlands*, and in order to lessen the power of *France*.

After this it was further resolved, “ That ninety ships were necessary for that purpose.” These matters being agreed to by the House, it was likewise resolved, that the sum of one million should be immediately raised, to enable his Majesty to act with vigour on this occasion.

Next they proceeded to consider how to raise this money, when, after debate, it was resolved, that part
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of the one million should be raised by a Poll Tax, and a Bill was ordered in accordingly.

On the 26th of *February* the Poll Bill was read, and ordered to be read a second time.

On the 27th it was read a second time and committed.

March the 8th the Poll Tax Bill passed, and on the 12th another was passed, *for the better levying the Duty on Hearths.*

The same day it was proposed in the House to address the King on the present situation of affairs, seeing one of the Members had alleged, he heard it was reported by some persons, "That neither the King nor the House were in earnest to prosecute the war against *France*; yet he hoped they were mistaken, and therefore he prayed that the question should be put, that such an Address should be made;" which my Lord *Cavendish* seconded, and at the same time expressed his hopes, that our Ambassadors at *Nimeguen* and in *France* should be recalled."

The question was immediately put, and carried to address the King on this occasion; wherein they took notice, "that they had passed, as well as the Lords, a Bill of supply, which only waited for the Royal Assent, and withal assured the King, that they would stand by and aid his Majesty with such plentiful supplies and assistance, as the exigencies of his affairs might require; and therefore prayed his Majesty would immediately enter into an actual war against the *French* King, and to recal his Ambassadors from *Nimeguen* and *France*, and likewise to order the *French* Ambassador to depart from hence."

When the King passed this agreeable Supply Bill, the Lord Chancellor made a Speech, and spoke concerning the Treaty that had been entered into with *Holland*.

No sooner did the House hear the Treaty mentioned, than they ordered that such Members, who

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were of the Privy Council, should pray his Majesty, that he would be graciously pleased to communicate to them such Treaty, together with all such Leagues and Treaties as had been entered into on the present situation of affairs.

On the 4th of *May* following some Treaties were laid before the House, and read, especially that with *Holland*; and after several debates, another Address was proposed, and agreed to, "That his Majesty should be humbly advised to enter into other alliances, particularly those which were subsisting between the Emperor, the King of *Spain*, and the States General, for the vigorous carrying on the war against the *French King*."

When the King heard that such an Address was intended, as he had obtained a large supply, sufficient to answer his present occasions; he expressed himself in very warm terms to some considerable persons near him against an Address of that kind; but at the time he spoke of it publicly, his Majesty said, "That tho' he might have no exception to such an Address, yet, as he had asked the advice of both Houses, he did not think it would be prudent to give an answer to any thing of that nature, till he had the concurrent advice of both. This intimation from his Majesty was, on the other hand, as surprizing to the House of Commons; which made my Lord *Cavendish* get up, and addressing himself to the Speaker, boldly said, "That this intimation must proceed from bad advisers about the King's person," and even named the Duke of *Lauderdale* * as the chief of them; and therefore moved to address the King to

* *Burnet* says this of him, "That the Duke was proud beyond expression, abject to those he was obliged to stoop to, but haughty to all others; in a word, he was a cold friend, but a violent enemy."—So that the Reader, from this character, may easily guess what sort of a man my Lord *Cavendish* had to deal with after the Parliament rose.

remove him from his presence and Councils for ever; which was seconded and immediately agreed to.

During the time this Address was in agitation, the King, to divert the Commons from proceeding too hastily in it, began again to speak concerning the raising still more money; this he did by a Message sent to the House on the 12th of *May*, which was to the following effect: "That by reason of the expence and charge his Majesty had been at for equipping and furnishing his Navy, and raising foldiers, &c. he desired the House would immediately grant him another supply for the Army, or otherwise they must be disbanded."

Some were for immediately taking this Message into consideration, but others were for having their Address presented first; which latter being agreed to, his Majesty appointed four of the clock the same day in the afternoon to present it. When the House attended the King with the Address and he had heard it read, he shortly replied, "*That the Address was so extravagant, that he was not willing to give it the answer it deserved.*" In short, the next day the Parliament was prorogued to the 23d of *May*.

The 23d of *May* the Parliament met according to the prorogation, when the King made a speech, wherein he told both Houses, "That there was now a great appearance of Peace; notwithstanding which he thought it was reasonable to keep his land and maritime forces on foot, till it was firmly settled. Next he took notice that the duty on Wine was expiring; and that he was likely to lose greatly by a clause in the Poll Act; thro' the prohibition of introducing *French* goods here. And in the conclusion said, *he would never hereafter pass any Bill, be it of ever so great importance, where other matters are tacked to it.*"

The Lord Chancellor also made a speech, which, according to custom, tended to excuse, or rather

commend, all the steps the King had taken in the present situation of affairs abroad.

On the 25th of *May* a motion was made in the House, to address the King, to know whether they should have peace, or war? This being seconded, it was, however, after some debate, adjourned.

On the 27th the Speaker took notice, that the Lord Chancellor had in his speech informed them, that a cessation of arms, &c was like soon to take place.

Upon this a Member said, "Notwithstanding all that has been urged, he could not but observe, that there was still a fault somewhere, which he fancied was owing to our having not yet entered into any Alliance with the Confederates, meaning the Emperor and the King of *Spain*.

But my Lord *Cavendish* went farther; he insisted, "that applications had been made to the King by the Confederates to enter into such an Alliance with them, but does not find that any thing has been done in the matter."

After some debate, it was resolved, "*That if his Majesty pleases to enter into a war against the French King, the House is, and always has been, ready to support and assist him in that war. But if there was to be no war, then they would immediately proceed to consider of making a proper provision for disbanding the army.*"

This Vote was communicated to the King.

The next day his Majesty sent an Answer, in which he said, "*That the Most Christian King had made such offers for a cessation of arms, till the 27th of July, that he believed it would not only be accepted, but end in a general peace.* However, in the mean time, the King desired the House to grant him a supply for the present subsistence both of the Army and Fleet.

On the 30th the House declared that it was their opinion, that the forces raised since the 29th of *September*

tember last should be forthwith paid off and disbanded, and resolved to grant the King a supply for that purpose.

It was now publickly given out, that the King never intended to enter into a war; yet the Ministers, on the other hand, as positively averred, that there was a war then actually on foot; but, says my Lord *Cavendish*, "the King never told us so. For as to what the Ministers have said, we have a right, for several reasons, to question their veracity." In short, what was then given out, has since fully appeared to be the real truth.

On the 7th of *June* the King sent to inform the House, "That if they enabled him, he would keep up his army, &c. till a Peace was actually concluded, and that he had garrisoned several *Spanish* towns in *Flanders*, and therefore it would not be right to withdraw them, till all matters were settled, and therefore he again earnestly pressed for a supply, to answer what he proposed."

On the 18th of *June* the King made a Speech to both Houses, wherein he informed them, "That the season of the year required a recess by the middle of the then next month, and therefore he should now freely open his heart to them, which he did in the following manner: "There is a peace (says he) ready to be signed, at least as to *Spain* and *Holland*, in which he acted not only as mediator, but guarantee;" and concluded with saying, "*That if they desired he should pass the rest of his life in quiet, they must find a way, not only to settle, for his life, his Revenue, as it was at Christmas last, but also to add to it a new fund of 300,000l. a year, after which he would pass an Act to appropriate 500,000l. of it to the service of the Navy and Ordnance, and should likewise be always ready to consent to such Laws as they should propose for the good of the Nation.*"

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This was immediately taken into consideration by the House, and debates arising, they first proposed an Address of Thanks to his Majesty for his gracious expressions in his Speech; and next, one of the Members said, "That he remembered the present Lord Chancellor should say, upon making the King's Revenue 1,200,000 *l.* a year, "*We had given all we need give;*" but at the same time he took notice, "That they had paid dear now for talking of a war with *France*; and that as to this new demand, we should answer, that it was beyond their abilities, and that they had it not to give."

Another Member said, "That they had made an order, that no more motions for money should be made this session, and that that of encreasing of the King's Revenue ought not to be directed by a motion."

The Speaker, in answer, said, "That the House always avoided putting a question upon any thing of money, in the King's Speech, before they went into a Grand Committee."

My Lord Cavendish tartly replied, "*That there was no slavery like that of being kept strictly under particular forms: as to the present formidable demands, the way he would answer it was, in the first place, to pray the King to remove those who advised him to it. The King (continues he) would be at ease, if his Revenue was settled; but as long as some of his Ministers manage it, he never will, and I would have them removed. Our liberality, indeed, brought upon us the fears of Popery and arbitrary Power, therefore I would not have our sleep disturbed with these demands, but whilst the House is full, I should be glad to see an end to them.*"

Sir Francis Drake was the next that spoke; he said, "Our Saviour was followed by a great many for the loaves and fishes, and so was the King's father. *It is plain they are uneasy with a Parliament, and consequently would have such a Revenue granted,*

ed, that they might have no more occasion for one; in fact, no *Englishman* can give the money which is demanded; and for my own part (says he) I would give none."

Another Member said, "I hear there are great expences in lodging at *Whitehall*, (the Dutcheis of *Portsmouth's*,) which makes them desirous of getting more money;" but he moved, that they might not grant any farther addition to the King's Revenue.

At last Sir *Thomas Meres* moved, "That the question might be put, whether a day should be set apart to consider of this motion;" which being done, it passed in the negative.

My Lord *Cavendish*, next said, "I hear now a peace is concluded, yet I should be glad to know *whether by this peace* we should have a better opinion of the King's Ministers, or by the Chancellor's Speech a worse opinion of ourselves.*" After this he moved, "That the Audit of the *Exchequer* might be brought in by the Auditor, to see what money has been issued for secret services since *May 1677*; and he hoped that such as were concerned in charging the Revenue unnecessarily, might have their condign punishment. But others were of opinion, that this was not a time proper for such a motion, and therefore desired it might be laid aside;" which my Lord consented to.

But the House, however, in the conclusion, passed a Bill, *whereby they granted a supply to his Majesty, of 619,388l. 11s. 9d. for disbanding the Army, and for other purposes.* This, after it had passed the Lords, received the Royal Assent, and the Parliament was prorogued to the 21st of *October*.

* The 11th of *August* the peace, which had been agreed on between the contending parties, was signed at *Nimeguen*; indeed some of our Historians say, it restored the general tranquillity of *Europe*, but that, as it fell out, was not to be our case at home, upon account of what we shall instantly mention in the text.

Whilst my Lord *Cavendish* and other worthy patriots were bravely exerting themselves in support of their religion, and the liberty, not only of their own country, but that of all *Europe*, in opposition to the growing greatness of the *French King*, the famous *Popish Plot* broke out, which has made so much noise in the world, and is, perhaps, one of the most perplexing parts of our history. Whether it had any real foundation, or was all a mere forgery, is none of our present business to enquire: However, it produced very surprizing consequences, and greatly contributed, for a time, to frustrate the King's favourite scheme; who at first seemed to treat the whole as an imposture, tho' afterwards both himself and Council thought proper to enquire seriously into the matter, of which we shall immediately speak.

On *Monday, October* the 21st, the Parliament met, pursuant to the last prorogation, when the King, in his Speech to both Houses, gave them to understand, "That he was, at this time, greatly out of pocket, over and above what had been allowed for disbanding the Army, and therefore recommended the matter to their consideration." He next proceeded to signify, "*That he had been informed of a design against his person by the Jesuits;*" but said, "*That he forebore to give his own opinion of the matter, lest he should say either too much or too little; but left the whole to the Law.*"

Both Houses set out with a joint Address to the King for a solemn Fast, to implore the mercy and protection of Almighty God to his Majesty's person, and in him to all his loyal subjects, &c. and *November* 13th was appointed for that purpose.

The famous *Titus Oates* was the first informant of this extraordinary Plot, and had drawn up a full narrative of that affair, which was laid before * the

* The King, it was said, seemed greatly averse to the laying this narrative before the Parliament, but was prevailed upon so to do by the Lord *Danby*, his Treasurer.

House;

Hóuse; after which *Oates* was several times examined in person by the House concerning his Narrative, and was asked several times, Whether what he had mentioned in the Narrative, and related in the House on his examinations, were all that he knew of the Plot; he at last solemnly affirmed, "That they were all, and that he could make no further discoveries *."

Lord *Cavendish* was very active in this affair, as he had been on all other occasions where he thought the interest of his King and country were concerned. He was now appointed one of those who were directed to draw up an Address to the King, for removing Papists ten miles from *London*.

Sir *Edmundbury Godfrey*, a *Middlesex* Justice, had been very active in examining into the Popish Plot, which gave so great an offence to some particular persons, that he very soon afterwards was barbarously murdered. The House being informed of it, my Lord *Cavendish*, with others, were appointed to draw up an Address to the King, to issue his Royal Proclamation for the discovery of the murderers †.

* The Lord Chief Justice *Scroggs* took his examination upon oath, on the 24th of *October*, in which he accused divers persons, and upon his information the five following Lords were taken into custody, viz. Lord *Stafford*, Lord *Powis*, Lord *Arundel* of *Wardour*, Lord *Petre*, and Lord *Bellasis*, and soon after sent to the Tower; the first of which was afterwards impeached in Parliament, found guilty of High Treason, and beheaded, but at his death absolutely denied being concerned in any Plot, much less against his Majesty's person. Besides the above, there were several other persons taken up, and sent prisoners to *Newgate*.

† When Sir *Edmund* was buried, the people were strangely affected with the sight of the funeral solemnity, which proceeded from *Bridewell* to *St. Martin's in the Fields*, and the body was attended by seventy two *London* Divines, who went in procession before it, and there were about a thousand persons of quality and considerable Citizens who followed in the same manner; all being compleated by a memorable funeral sermon, preached by Dr. *Lloyd*, Minister of the Parish.

But notwithstanding Oates's solemn affirmations, he soon after began to abound with new discoveries, which caused some, upon hearing them, to suspect his veracity: Therefore, to put an end to all such suspicions, the Commons resolved, *nem. con.* "*That upon the evidence that has already appeared to this House, this House is of opinion, that there is, and hath been, a damnable and hellish PLOT, contrived and carried on by Popish recusants, for assassinating and murdering the King, for subverting the Government, and rooting out and destroying the Protestant Religion.*" After which they ordered, "That this Vote be communicated to the Lords at a Conference, and that the Lords be desired to join with this House, in providing remedies for the preservation of his Majesty's Person and Government, as well as the Protestant Religion."

The next day there was a Conference between the two Houses, upon the subject of the last Vote of the Commons, and this Report was made: "The Lords have considered the Vote of the House of Commons, communicated to them at the Conference, and do most readily and unanimously concur with them in it, *nem. con.* and that their Lordships are very glad to see the zeal which the Commons have shewn on this occasion, and do also agree with them, "*That the most speedy and serious considerations of both Houses are necessary for the prevention of the imminent dangers that threaten us; in order whereunto, their Lordships have resolved to sit de die in diem, forenoon and afternoon, and desire that the House of Commons will do the same, &c.*"

Both Houses next presented an Address, in these words; "Whereas the safety and preservation of your Majesty's sacred Person is of so great consequence and concernment to the Protestant Religion, and to your subjects, we do most humble beseech your Majesty, to command the Lord Chamberlain,

lain,

lain, and all other Officers of your Household, to take a strict care that no unknown or suspicious person may have access near your Majesty." And in the conclusion prayed the King, "to give directions for embodying the Train-bands, in *London*, *Westminster*, and the Counties adjacent, so as to be ready to be called out upon the first notice."

No sooner was the Address for a Proclamation against the Papists presented, in respect to compelling them to remove ten miles from *London*, unless they took the oaths to the Government, but one was issued. Upon this many Papists refused to take the oaths, and went out of town, greatly lamenting their being obliged to leave their trades and habitations; but in a few days after, when they had better considered of it, they ventured to take them, and then they were permitted to return to their respective habitations.

On the 12th of *November*, on an Address from the Commons, a new Proclamation was published, whereby all Popish Recusants were enjoined, under the penalty of the laws, to repair to their own houses, and not to remove more than five miles from thence without leave; but the inhabitants of *London* and *Westminster* were excepted out of it.

It was remarked, that his Majesty, in the course of the enquiry concerning the Papists, at this time appeared to be much more attentive to the transactions of the Commons, than to those of the Lords.

On the same day the Commons presented another Address to his Majesty, praying, "That a special Commission might be issued forth, for tendering the oaths of Allegiance and Supremacy to all the servants of his Majesty and her Royal Highness; and to all other persons (except her Majesty's *Portuguese* servants) residing within the palaces of *Whitehall*, *St. James's* and *Somerset-house*, and all other of his Ma-

jeſty's houſes; and that there might be likewise ſpecial Commiſſions iſſued forth, for tendering the ſaid oaths to all perſons reſiding within the two Serjeants *Inns*, all the *Inns of Court*, and *Inns of Chancery*."

The King, two days after, returned an Answer to it, wherein he granted their requeſt, except the menial ſervants of the Queen and Dutcheſs; and withal obſerved, "That in a late Addreſs from the Houſe of Peers, the menial ſervants of the Queen and Dutcheſs were excepted; and therefore he expreſſed his hopes, that they would proceed with the like moderation."

After this they preſented a third Addreſs, wherein they laid before his Maſteſty, their reaſons why the perſons excepted in his Meſſage ſhould be comprehended in the above Commiſſion, which follows:

"1. For the quieting of the minds of your good Proteſtant ſubjects, who have taken more than ordinary care and ſollicitude for the ſafety of your Perſon, by reaſon of the notorious conſpiracy of the Popiſh Party at this time, even againſt the life of your ſacred Maſteſty.

"2. By your Maſteſty's Proclamation, ſet forth upon the Addreſs of both Houſes, *for baniſhing Popiſh Recuſants ten miles from London*, there is no ſuch reſtriction.

"3. The diſcouragement it would be to this Kingdom, to ſee ſo great a neglect; and the occaſions that Papiſts would take to ſay from thence, that all our fears were groundleſs.

"4. It is too great a countenance to the dangerous factions, which are already come to that height, that it renders all manner of diſcouragement on that ſide neceſſary.

"5. It is againſt the laws and ſtatutes of the realm; which, as they are preſerved and maintained by your Maſteſty's authority, ſo we aſſure ourſelves
you

you will not suffer them to be thus violated by your family and Royal presence, upon the account of Popish Recusants."

This last Address was no way pleasing; but what followed immediately afterwards was still more displeasing; for it appeared that Mr. Secretary *Williamson* had countersigned several Commissions to Popish Recusants, and Warrants that they should be mustered, notwithstanding they had not taken the Oaths, and subscribed the Declaration, according to the late Act of Parliament. This was so highly resented by the House, that tho' he was a Member of it, and one of his Majesty's Secretaries of State, they sent him to the *Tower*.

The King, upon hearing of it, sent for the Commons the very next day, in the morning, who attended him in the *Banqueting-House*, at *Whitehall*, when his Majesty frankly told them, "That though they had committed his Secretary without acquainting him with it; yet he intended to deal more fairly with them, by first acquainting them, that he intended instantly to release him;" which he accordingly did.

His sudden discharge prevented the Commons from offering some reasons, which they had drawn up, with a view to prevail upon his Majesty not to discharge him*.

During the time the House of Commons were as above employed, the Lords sent down to them an

* The 21st of *November* a fray happened in the House, concerning some Parliamentary Proceedings, between Sir *Jonathan Trelawny* and Mr. *Asb*, in which Sir *Jonathan* struck the other, which the latter returned, and raised such an uproar, that they were both called to the Bar, and the question being put, after Sir *Jonathan* had withdrawn, whether he should be expelled the House, it passed in the negative, Yeas 110, Noes 130; but it was resolved he should be sent to the *Tower* during the remainder of the session. As to Mr. *Asb*, he was reprimanded in his place by the Speaker, and both were enjoined to prosecute their quarrel no farther.

ingrossed Bill for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament, in which was a proviso, "That nothing in the Bill contained should extend to his Royal Highness the Duke of York."

Sir Thomas Meres thus expressed his sentiments upon hearing it read: "If this Proviso (says he) should pass as it now stands, it will spoil all our future hopes from this Bill."

Sir Thomas Lee said, "As the Act is allowed to be necessary, this Proviso, if it remains, may cause a rebellion. I am therefore, for the Duke's sake, for rejecting it."

Mr. Solicitor General was of another opinion, and declared for the Proviso; as did also all the Court Members, besides some others.

But our generous Cavendish replied, "I cannot agree (says he) to have the Duke declared a Papist by Act of Parliament. Possibly, if I hear the Lords reasons for introducing the Proviso, I may consent to pass it. If the Bill is proceeded on without my hearing their reasons, I cannot; from any thing I have heard in this House, give my voice for passing the Bill as it now stands *."

* The Duke of York spoke to the above Proviso in the House of Lords with great earnestness, and with tears in his eyes. Said, "he was now to cast himself on their favour in the greatest concern he could have in this world." He spoke much of his duty to the King, and his zeal for the Nation, and solemnly protested, "that whatever his Religion might be, it should be only a private thing between God and his own soul, and that no effect of it should ever appear in the Government." (Happy would it have been for this misguided Prince had he performed what he so solemnly promised, which might have prevented the many misfortunes and calamities that afterwards befell him.) The Proviso was carried for him by a few voices, which was contrary to most men's expectations. See Burnet, vol. i. See also Grey's Debates, vol. vi. and Stat. 30 Car. II. cap. i.

However,

However, the Proviso, after a long debate, was agreed to, 158 to 156; and the Bill passed into a Law.

The House had voted an Impeachment against the Earl of *Danby*, and at the latter end of the Session Articles of Impeachment were drawn up in form, and carried up to the Lords; but soon after the Parliament was dissolved, by which means nothing farther was done at that time*.

But to return: As the Commons had so publicly declared their firm belief of the Plot, and the King had, on many occasions, outwardly appeared to concur with them; some of their late proceedings, however, threw him into great perplexities; particularly that of their intending to bring in a Bill to exclude his Brother from the Throne; so that, in order partly to extricate himself therefrom, he became determined to dissolve the Parliament; but for the present he thought proper only to prorogue it.

On the 30th the King came to the House of Lords (he having before, in this Session, passed several Bills, among which were, that *for granting him a supply of 206,462l. 17s. 3d. for the effectual paying off and disbanding the forces raised or brought over from foreign parts into this Kingdom since Sep-*

* It appeared afterwards, though my Lord *Cavendish* seemed at this time to be satisfied that the Articles against *Danby*, afterwards Duke of *Leeds*, were true, yet he was at length thoroughly convinced, that he did not deserve the treatment he had received, which Lord *Cavendish* himself acknowledged to my Lord *Danby* when he met him a little before the Revolution, and therefore we shall say nothing farther at this time, touching the Parliamentary Proceedings against him, save that a late writer treats the Impeachment against the Earl as ridiculous; after this he observes, "that notwithstanding his Lordship had met with such unjust usage, few subjects ever gave greater proofs of their zeal against Popery than he did. In short, he early entered into a correspondence with the Prince of *Orange*; besides, he, in concert with my Lord *Cavendish*, then Earl of *Devonshire*, suggested to that Prince the plan of the Revolution, which afterwards so happily took effect."

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tember 29th, 1677*,) and then prorogued the Parliament, but not till after he had made a Speech to both Houses, wherein “he expressed a great unwillingness to part with them, and that they were all of them witnesses he had not been well used, the particulars of which he would acquaint them with at a more seasonable time.”

On the 24th of *January* he dissolved this Parliament by Proclamation, and directed writs to issue for electing a new one to meet the 6th of *March*.

Thus ended this long Parliament, which was the longest that ever had been before held, it having continued near eighteen years.

1679. *Thursday, March* the 6th, the Parliament assembled, and the House of Commons, by his Majesty's Command, made choice of a Speaker, who was approved off.

The Commons soon discovered their resolution of treading in the steps of the last Parliament, and accordingly appointed a Committee for drawing up a Bill, for securing the King and Kingdom against the growth and danger of Popery, wherein my Lord Cavendish greatly distinguished himself, as he did on another extraordinary occasion, that of carrying to his Majesty an Address of the Commons, *declaring their resolution of revenging any violence offered to his sacred Person.*

Now as the King plainly found, from experience, that some of his acting Ministers in the Privy Council were unable to assist him in the present exigencies of affairs, he came to a resolution to dissolve them,

* The King readily passed the Test-Act, but when the Militia Bill was offered, he totally rejected it, saying, “it was to put them out of his power, which thing he would not do, *not for one hour*; but if the Commons would assist him with money for that purpose, he would take care to raise such a part of the Militia as should secure the peace of the government, and his own person.”

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and choose a new one, consisting of thirty persons of Quality, among whom were our *William Lord Cavendish*, and his inseparable friend *Lord Russel*, hoping from this change he should more easily get supplies from his Parliament, and also by this means prevent the bringing into the House of Commons another Bill of Exclusion, which, he had heard, was much talked of without doors. In short, these were some of his real views. However, when he first met them at the Council Board, he intimated to them the pleasure and satisfaction it gave him in the choice he had made of those who were so well known, upon account of their tried abilities, which had gained them great interest and esteem among his good subjects in general, so as to render them above all suspicion of either mistaking or betraying the true interest of the kingdom.

The next day after the King had thus settled his Privy Council, he told his Parliament the steps he had taken, and that he was resolved, in all his weighty affairs, to be advised by them next to the Great Council of the Nation.

This seeming alteration of measures met with the universal approbation of all true *Englishmen*, which made them expect the public business would be, for the future, rightly conducted; but, alas, their pleasing expectations had a very short continuance.

The new Privy Council, indeed, firmly believed that his Majesty would strictly adhere to what he had publicly declared, which caused them to set about the preparing some matters they thought would be useful to their Sovereign and his people, in order to lay them before the Parliament; but before they were ready, his Majesty, on the 30th of *April*, thought proper, without consulting his Council, to go to the House of Peers, where he made a short Speech to both Houses, and therein recommended them to attend to the following articles:

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" 1. The prosecution of the Plot.

" 2. The disbanding of the Army.

" 3. The providing a Fleet for their common defence;" and in the conclusion of his Speech he assured his Parliament, " That he would do every thing in his power, not only for preserving the Protestant Religion at present, but in futurity."

This shewed what little confidence the King placed in his new Council, notwithstanding his open declarations; and tho' in appearance he had made a change in the Ministry, yet in reality there was nothing in it; for *Lauderdale*, one of the most obnoxious men in the nation, with other temporizing Protestants of the Duke's party, besides the Papists, were as much about the Court, and privately consulted with by the King, as ever, which again raised great discontents, fears, and jealousies, both within and without doors, insomuch that the House of Commons thought proper to address his Majesty on this alarming occasion, humbly requesting, among other things, "*That the Duke of Lauderdale might be removed from his Councils both in England and Scotland, and also from all his offices and employments in either kingdom.*"

To this Address the King replied, "*He would consider of it, and speedily return an answer;*" but it does not appear he ever did, or at least such an one as the House expected.

This short Answer put the House upon immediately resolving themselves into a Committee, in order to consider further of the dangerous state the nation was in thro' evil Counsellors, Papists, &c. and at last, after the example set them by the last Parliament, they now agreed, " That a Bill should be actually brought in, *To disable James Duke of York from inheriting the Crown of this Realm, &c.*"

After the House had made this order they resolved, *nem. con.* "*That in defence of the King's Person*"

Person and the Protestant Religion, they would stand by his Majesty with their lives and fortunes, &c."

This resolution being put into the form of an Address, it was presented to the King, who was pleased to return the following Answer :

" I thank you for your zeal for preserving of the Protestant Religion and of my Person ; and I assure you I shall do what in me lies to secure the Protestant Religion, and am willing to do all such things as may tend for the good and benefit of my subjects."

On the 15th of *May* the Bill *to disable the Duke of York, &c.* was brought in, and read the first time ; an abstract of part of which follows :

" That *James Duke of York* should be incapable of inheriting the Crowns of *England, &c.* with their dependencies, and of enjoying any of the titles, rights, prerogatives, and revenues belonging to the said Crowns ; and that in case his Majesty should happen to die, or resign his dominions, they should devolve to the person next in succession in the same manner as if the Duke was actually dead : That all acts of sovereignty and royalty that the Duke should exercise, in case of the King's death, were not only declared void, but to be High Treason, and punished as such : That if any one should, at any time whatsoever, endeavour to bring in the said Duke into any of the before-mentioned dominions, or corresponded with him, in order to make him inherit, he should be guilty of High Treason : That if the Duke himself ever returned, considering the mischiefs that must ensue, he should be looked upon as guilty of the same offence ; and all persons were authorized and required to seize upon and imprison him, and in case of resistance made by him or his adherents, to subdue them by force of arms."

This Bill was ordered to be read a second time; and it had now obtained the name of *the Bill of Exclusion, as well as that of Banishment.*

On the 20th it was read a second time; when the question was put, whether it should be committed, the House divided, and the Yeas were ordered to go forth, which were 207, and the Noes, which staid behind, were but 128, the majority 79; and so the Bill was committed to a Committee of the whole House.

Now as the King found the Commons were resolutely bent to pass this Bill, he thought proper (before the Committee sat again) on the 27th of *May* to prorogue the Parliament to the 14th of *August**.

But it is here to be remarked, that whilst this Parliament was sitting, the famous *Habeas Corpus* Bill was passed into a law, which has since, upon several important occasions, been of infinite benefit to the subject. Posterity will have reason to bless the memory of those worthy Patriots, who obtained it; and to none are we more indebted than to Lord *Cavendish*, who attended its progress through both Houses, with unwearied diligence and application.

Soon after this Prorogation, the trial of the five *Jesuits* came on, who made a strong defence in opposition to the evidences of *Oates*, *Dugdale*, and *Bed-*

* “ I did always (says *Burnet*) look on it as a wild and extravagant conceit, to deny the lawfulness of an Exclusion in any case whatsoever. But for a great while I thought the excepting the limitations was the wisest and best method. I saw the driving on the Exclusion would probably throw us into great confusions; and therefore I made use of all the credit I had in both Houses, to divert them from pursuing it, as they did, with such eagerness, that they would hearken to nothing else. I foresaw a great breach was like to follow, and that was plainly the game of Popery to keep us in such an unsettled state. This was like to end either in rebellion, or in an abject submission of the nation to the humour of the Court. I confess, that which I apprehended most was rebellion, tho’ it turned afterwards quite the other way.”

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low, but were found guilty, as was also one *Langborn* (a Popish Counsellor at Law,) all these persons suffered according their sentence, with the strongest protestations of their innocence. So that when Sir *George Wakeman*, with others, came to be tried, the Jury paid so little regard to the above evidence, that they were all acquitted*.

July the 10th, the King, contrary to the advice of his new Council, dissolved his Parliament, and summoned a new one, which he hoped would prove more complaisant than the foregoing, in which, however, he was greatly mistaken.

As the subject we are now upon is so very interesting, it may not be amiss to make some reflections on these strange proceedings, which greatly alarmed such as knew their meaning, and seemed wholly unaccountable to those who had not penetration enough to discover the design. When a resolution had been taken not only to prorogue but dis-

* The famous *Dryden*, a time-serving Court-Poet, gives us the following character of *Oates's* witnesses and the Plot, in a piece published about that time, stiled *ABSALOM and ACHITOPHEL*.

Whoever asked the witnesses high race,
Whose oath with martyrdom did *Stephen* grace.
Ours was a *Levite*, and as times went then,
His tribe were God Almighty's Gentlemen.
Sunk were his eyes, his voice was harsh and loud,
Sure signs he neither cholerick was, nor proud :
His long chin proved his wit; his saint-like grace
A church vermillion, and a *Moses's* face.
From hence began that Plot, the Nation's curse,
Bad in itself, but represented worse.
Rais'd in extremes, and in extremes decry'd ;
With oaths affirmed, with dying vows denied.
Not weigh'd, or winnow'd by the multitude ;
But swallow'd in the mass, unchew'd and crude.
Some truth there was, but dash'd and brew'd with lies,
To please the fools, and puzzle all the wise.
Succeeding times did equal folly call,
Believing nothing, or believing all.

solve

solve the Parliament, it was said the King designed to have procured the sanction of the Privy Council for so bold a step, which it was thought might, some way or other, be obtained, seeing one half depended on the King by their offices, and many of the rest were under the influence of some of the chief Ministers; but it unluckily happened, just as this was endeavouring to be obtained, the Court was alarmed with a piece of sudden news of some remonstrances, which the House of Commons had ready prepared to inflame the City and the Nation, with regard to the Plot and Popery; and according to others, with the rumour of an Address actually framing in the City, signed by an hundred thousand men, giving Thanks to the Parliament for their vigorous proceedings against Popery, and promising to assist them in so doing with their lives and fortunes. This news struck such a panic into the King, that he would not trust that very Council with the secret, till he had got rid of the danger by proroguing the Parliament, which he did in such a hurry, that he went post to the House of Peers, almost without attendants, as well as without advice, the Lords having scarce time to robe, or the Commons to make their appearance; and in a Speech, more brief than accurate, prorogued them.

This measure caused no less astonishment then indignation, especially in those who were for the Bill of Exclusion, (who expressed their resentment without reserve,) and at the same time afforded infinite matter of triumph to the Duke's partisans, and such as dealt in satyrical writings and lampoons, which flew plentifully about on the occasion. The City took so great offence at what had been transacted, that it was feared they would have risen; but all, with much ado, was hushed and kept quiet. Indeed, every thinking man was greatly amazed, that the King, after having so publickly declared, that he

he would in all things follow *the advice of his new Privy Council next to that of the Great Council of the Nation*, should now so suddenly prorogue that Great Council, without so much as mentioning it to the other. But it cannot be wondered at, that a Prince, who had shewn so little regard to his Royal word in this instance, should stick at any thing. Upon the whole, as he had too much reason to believe, that this prorogation would only serve to raise the ferment higher when the Parliament met, he took, as he apprehended, the best and shortest expedient to prevent their giving him any farther umbrage, that is, by dissolving them; and, as he had taken the former step without his Council's knowledge, so he took this without their concurrence, declaring in his Proclamation, that it was wholly by his own authority. In fact, he could not have taken a more effectual method to alienate the hearts of his people.

But to proceed: The next act of the King was, to declare his intention in Council, of sending for his brother, assuring them, at the same time, that his return should have no ill influence on the public. But this step was so displeasing to some of his most faithful Counsellors, that, despairing of any success in giving their judgments freely, and desiring to be more at liberty to express their minds in the Great Council of the Nation, the Lord *Cavendish*, Lord *Russel*, and others, desired leave to withdraw from the Council Board; to which the King coldly answered, "*With all my heart*," as a frank intimation, that, since they opposed his new scheme of administration, he had rather be without them.

The Duke of *York* was accordingly sent for, who, upon his arrival, was received by his brother with great marks of affection; but it soon appeared, notwithstanding the King's assurance to the contrary, that he had great influence at the Council Board; in short, he so managed it, that few or none attended there,

there, but such as were his own creatures and dependents: Among those who remained, and were not in his interest, none was looked upon with so evil an eye as *Shaftesbury*.

Soon after this it also appeared the Duke had so far gained an ascendant over the King himself, as even to prevail on him to prorogue his new Parliament, from time to time, as he pleased; for as to his rival the Duke of *Monmouth*, he had been already deprived of all his places, and ordered to depart the Kingdom*.

The Parliament having assembled on the 7th of *October*, and the Members just taken the qualifying

* *Dryden*, the Court-Poet, speaks of the Duke of *Monmouth*, under the character of *Abfalom*, after he had drawn a picture of some of the King's foibles, thus:

Of all his numerous progeny was none
So beautiful, so brave as *Abfalom*:
Whether, inspir'd by some diviner lust,
His father got him with a greater gust;
Or that his conscious destiny made way,
By manly beauty to imperial sway.
Early in foreign fields he won renown,
With Kings and States ally'd to *Israel's* Crown:
In peace the thoughts of war he cou'd remove,
And seem'd as he were only born for love.
Whate'er he did, was done with so much ease,
In him alone, 'twas natural to please:
His motions all accompany'd with grace;
And *Paradise* was open'd in his face.
With secret joy, indulgent *David* view'd
His youthful image in his son renew'd;
To all his wishes nothing he deny'd;
And made the charming *Annabel* his bride.
What faults he had (for who from faults is free?)
His father cou'd not, or he wou'd not see.
Some warm excesses, which the law forbore,
Were constru'd youth that purg'd by boiling o'er:
And *Amnon's* mother by a specious name,
Was call'd a just revenge for injur'd fame.
Thus prais'd, and lov'd, the noble youth remain'd,
While *David*, undisturb'd in *Sion* reign'd.

oaths,

oaths, it was, at the Duke's request, prorogued to the 30th of the same month.

That he might be nearer the scene of action, and put it out of all doubt, that, whether present or absent, he still retained the same influence over his brother, notice was given in the *London Gazette*, that the King had consented to his retiring into *Scotland*, on his having represented, it would be more convenient to be in his Majesty's Dominions, than in those of any foreign Prince; but before his departure, he obtained a promise from the King to remove *Shaftesbury**.

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* *Dryden* next speaks of my Lord *Shaftesbury*, and others who were not in the Court interest, in very satyrical terms. What he says of my Lord, under the character of *ACHITOPHEL*, follows:

Some, by their Monarch's fatal mercy grown
From pardon'd rebels kinsmen to the Throne,
Were rais'd in pow'r and public office high:
Strong bands, if bands ungrateful men cou'd tye.
Of these the false *Achitophel* was first:
A name to all succeeding ages curst.
For close designs, and crooked Counsels fit;
Sagacious, bold, and turbulent of wit;
Restless, unfixt in principles and place;
In pow'r unpleas'd, impatient of disgrace.
A fiery soul, which working out its way,
Fretted the pigmy-body to decay;
And o'er inform'd the tenement of clay.
A daring pilot in extremity;
Pleas'd with the danger, when the waves went high
He sought the storms: but for a calm unfit,
Would steer too nigh the sands, to boast his wit.
Great wits are sure to madness near ally'd;
And thin partitions do their bounds divide;
Else, why should he, with wealth and honour blest,
Refuse his age the needful hours of rest?
Punish a body which he cou'd not please;
Bankrupt of life, yet prodigal of ease?
And all to leave, what with his toil he won,
To that unfeather'd, two legg'd thing, a son:
Got, while his soul did huddled notions try;
And born a shapeless lump, like anarchy.

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On the 29th of *October*, being the day before the Parliament was to meet, his Majesty in Council declared, "That upon many considerations, which he could not then communicate, he found it necessary to make a longer prorogation of his Parliament than he intended: That he had considered all the consequences so far as to be absolutely resolved, and not to hear any thing against it: That he would have it prorogued till that time twelve-months, and that he gave it in charge to the Lord Chancellor to proceed as he had directed him." Some of the Council,

In friendship false, implacable in hate:
 Resolved to ruin, or to rule the State:
 To compass this the triple bonds he broke;
 The pillars of the public safety shook;
 And fitted *Israel* for a foreign yoke,
 Then seized with fear, yet still affecting fame,
 Usurp'd a Patriot's all atoning name,
 So easy still it proves in factious times,
 With public zeal to cancel private crimes;
 How safe is treason, and how sacred ill,
 Where none can sin against the peoples will?
 Where crouds can wink; and no offence be known,
 Since in another's guilt they find their own.

As *Shaftesbury* and *Monmouth* were now banished the Court, the Poet makes the former advise the latter to enter into a conspiracy against those about the King, but not to hurt his Royal father, and then the Poet proceeds:

He said, and this advice above the rest,
 With *Abfalom*'s mild nature suited best;
 Unblam'd of life, (ambition set aside,)
 Not stain'd with cruelty, nor puffed with pride.
 How happy had he been, if destiny
 Had higher plac'd his birth, or not so high!
 His kingly virtues might have claim'd a Throne;
 And blest all other countries but his own.
 But charming greatness, since so few refuse,
 'Tis juster to lament him, than accuse.
 Strong were his hopes a rival to remove,
 With blandishments to gain the publick love;
 To head the faction while their zeal was hot,
 And popularly prosecute the Plot*.

* Meaning the Popish Plot.

particularly Lord *Shaftesbury*, got up, in order to speak against this sudden resolution, (as they thought, tho' in fact it had been agreed to betwixt the King and the Duke before the latter's departure for *Scotland*,) but he was obliged to desist, the King continuing positive to admit of no opposition; and in effect signified to the Lord *Shaftesbury*, as well as his other Counsellors, "*That he did not require advice from them, but obedience;*" and to make it seem as if he was highly displeased with *Shaftesbury* in particular, struck him out of the list of his Privy Council, and forbade him the Court.

Now as to the present intended Prorogation, care was taken to prepare the Public to receive the news of this alteration in the Court measures by slow degrees; for it was determined that the second should be only from the 30th of *October* to the 26th of *January* following, to which day the Parliament was prorogued accordingly.

By this last proceeding it sufficiently appears, that the King continued to keep in view what he had long projected, that of making himself absolute, and to govern his people without a Parliament. In short, the Duke of *York* now seemed to have nothing to fear from his enemies, except what they could do in the House of Commons; but he had concerted such measures with the King, as frustrated their efforts for a considerable time. In a word, he did not altogether despair of gaining over at last to his interest, thro' the King's influence, a majority of that respectable body. And here we shall close the year 1679.

1680. We are now come to the year 1680; a year that will be ever memorable for the glorious stand again made by the Parliament, in defence of our civil and religious liberties, thro' their endeavours to get now passed into a Law what had been projected in the two last Parliaments, we mean, *the Bill for excluding the Duke of York from the Crown*, whose

principles naturally led him to attempt the ruin of both. And tho' their generous efforts were defeated, thro' the artifices of some of our enemies, yet, as matters have since fallen out, it is now happy for us such a Bill did not pass, for reasons we shall hereafter offer; still posterity will be ever indebted to such undaunted Patriots, and that, notwithstanding some of them fell a sacrifice to the rage of their enemies, the rest invariably persisted in the same glorious cause, and, unterrified at the impending storm which threatened them no less than the Constitution, never rested a moment till they saw it fixed on its present solid basis.

On the 26th of *January*, being the time the Parliament was last prorogued to, as many Members of each House attended, his Majesty thought proper, upon a further consideration, to give them a meeting, and from the Throne explain more fully his reasons for what he had said to his Council, which he did to the following effect:

“That when he declared his intention of putting off the meeting his Parliament for the dispatch of business to a remote time, it was not done but upon mature consideration; and that he could not be persuaded, from any thing that had since happened, that he had cause to repent of that resolution, ~~seeing~~ that the distractions and jealousies at home were still of such a nature, and so heightened and improved by the malice of ill men, that he thought a longer interval of Parliament would be absolutely necessary to quiet the minds of the misled.”

The Parliament had no opportunity to make any reply, upon account of its being immediately prorogued to the 15th of *April*, from which time they were further prorogued five several times.

This behaviour of the Court raised great clamours, insomuch that several Petitions were presented to the King for the sitting of the Parliament; which was so highly

highly resented by those in power, than many of the Petitioners were prosecuted and punished, under pretence of their being disturbers of the public peace.

Notwithstanding these rigorous proceedings, the Court at length found it necessary to let the Parliament sit, for fear of the ill consequences that might ensue from any further Prorogations; and accordingly it met on the 22d of *October*, when the King, in a Speech to both Houses, assured them, "That the several prorogations he had made were beneficial to his people, as he had, in the mean time, entered into an Alliance with the Crown of *Spain*, suitable to that which he had made with the States General, which consisted of mutual obligations to succour and defend each other. That he valued above all the treasure in the world, a perfect union among his subjects. For, (continued he,) all *Europe* have now their eyes upon this Parliament; and we may depend upon it, if we should fall into a misunderstanding, it will be no wonder if our neighbours should begin to take new resolutions, and, perhaps, such as may be fatal to *England*. Let us, therefore, take care not to gratify our enemies, nor discourage our friends, by any unreasonable disputes." He concluded with saying, "he hoped, from their great prudence and affection, he should have nothing to fear, but that they would use their best endeavours to bring the session to a happy issue."

After the King had done speaking, the Commons returned to their House and chose a Speaker, whom he approved of.

On the 25th the House first proceeded to appoint different Committees, according to the usual custom at the opening of the Parliament. Upon which my Lord *Cavendish* got up, and said: "When I look a year and half backward, I think this a happy day. The King has taken the last and only remedy, which is to call a Parliament. *I therefore look on the late*
Proro-

Prorogations as the acts of evil Counsellors, and our sitting as the King's own act. If it be true that the King is still beset by those that inform him that this Parliament strikes at the Government, and would remove him, next to his brother, we should do well to confirm the King in his good resolutions, by some Address, "That the interest of this House is his, and the sitting of the Parliament will make him a great King."

Sir *Richard Graham* said: "It is an observation, that States fall and rise like natural bodies, and have time to prevent their ruin by such even steps as Providence proceeds. We are in misfortunes, and may be saved; else we shall fall unpitied."

When this Gentleman was sat down, the House expressed high resentment against those who advised the Government to punish persons who had petitioned for their sitting; insomuch that they instantly came to the following resolutions:

"1. *That it is, and ever hath been, the undoubted right of the subjects of England to petition the King for the calling and sitting of Parliaments, and redressing of grievances.*

"2. *That to traduce such petitioning as a violation of duty, and to represent it to his Majesty as tumultuous or seditious, is to betray the liberty of the subject, and contributes to the design of subverting the ancient legal constitution of this kingdom, and introducing arbitrary power.*"

On the 26th the House ordered an Address should be presented to his Majesty, to grant a pardon to such persons who should, within a limited time, make a further satisfactory discovery concerning the horrid Popish Plot.

After this my Lord *Russel* got up, and said: "I have seriously considered the danger we are in from Popery; in short, to make a long discourse of it would be unnecessary, seeing there hath been already

so much mentioned of the pernicious designs of our enemies. My humble motion, therefore, at this time, is, that you will consider the danger we are in, and take an effectual remedy to secure the Government and Religion, and quiet the just fears and apprehensions of the people, which cannot be done, in my poor opinion, unless we provide against a Popish Successor." Lord *Cavendish*, who, as Doctor *Kennet* terms it, *was in the bosom of Lord Ruffel*, seconded this motion.

"*Let us* (says another Member) *immediately proceed to secure the nation against Popery; and, if we do that, it is to be hoped the Protestant Religion will continue so long as the sun and moon shall endure.*"

After this, and some further debates, the House came to the following resolutions:

"1. *That it is their opinion to proceed effectually to suppress Popery, and to prevent a Popish Successor.*

"2. *That the Duke of York's being a Papist, and the hopes of his coming such to the Crown, hath given the greatest countenance and encouragement to the present designs and conspiracies against the King and Protestant Religion.*

"3. *That in defence of the King's person and government, and Protestant Religion, this House doth declare, that they will stand by his Majesty with their lives and fortunes; and that if he should come to any violent death, which God forbid, they will revenge it to the utmost on the Papists.*"

These are nearly the same resolutions which they came to in the two preceding Parliaments.

On the 26th Sir *William Temple* thought proper to declare his sentiments on the occasion: "The fate of all Christendom (says he) will be determined by this Session of Parliament; and unless the affairs of the Protestants are supported by the King, ours at home will be in an ill condition. Nothing (continues he) will support them so much as a prospect of an union

union betwixt the King and his Parliament, in what concerns us at home as well as abroad."

Mr. *Sacheverel*, who had spoken largely on the same subject, concluded what he had opened with desiring, that the question *might be proposed for redressing disorders at home before we leapt into any thing abroad.*

But before any question was drawn up on the motion, other matters were brought before the House, which we omit, as having no relation to our present undertaking*.

On the 30th one Signor *Francisco de Faria*, being called in, gave his evidence at the Bar, as to what he knew concerning the Popish Plot.

This evidence said, as *Ralph* reports, that he was frequently tempted with an offer of a great reward, (by his Patron the *Portuguese* Ambassador) to kill *Oates*, *Bedlow* †, and Lord *Shaftesbury*.

Here Lord *Russel* spoke again. "I think (says he) you have made a good vote, to proceed in the examination of the Plot. You will do well to set a day, to consider of suppressing of Popery and preventing of a Popish Successor; not only for the King's sake, but for our own. Neither his Person, the Government, nor the Protestant Religion, can be safe, till the Contrivers of the Plot are brought to condign punishment. Therefore proceed against all that have had a hand in the Plot; and I desire you will appoint a Committee to inspect the proceedings of the Lords concerning it, and the evidence, that we may know how it was left in the two last Parliaments."

* See *Grey's Debates*, vol. vii.

† As to *Bedlow*, he ended his life at *Bristol*, soon after he had sent for the Lord Chief Justice *North*, by one Sir *John Knight*, desiring he would give him a visit, which his Lordship did, accompanied with several attendants; and in the presence of all, he confirmed what he had before deposed relating to the Plot.

Sir Henry Capel was of the same opinion.

Sir Francis Winnington. "There was an order of the House to enter Mr. Treby's Report, concerning the Plot, into the Journals. In a short time he will make that Report. *Then the world will see, that you do not only vote, but will do also.*"

Mr. Hampden. "Pray hold to your resolution, "That the House will proceed to the full examination of the Plot, in order to bring the offenders to public justice." (Which was again voted.)

"I desire (says Colonel Titus) that the Journals of the two last Parliaments may be inspected."

A day was appointed, as my Lord Russel desired, to proceed in the examination of the Plot.

Next, notice was taken, that a Committee had been appointed to inspect the Lords Journals, and reported what had been done by them relating to the Plot. Sir Francis Winnington said he had reported all.

On the 2d of November, Sir Nicholas Carew declared, "He thought all was at stake, and as they had made the beforementioned Votes, he desired that the House would go into a Grand Committee, to consider of a Bill to prevent Popery, and a Popish Successor.

Mr. Dubois observed, how much the Papists were caressed at Court: "If they have such an influence upon the Government under a Protestant Prince, what will they have under a Popish one; he therefore moved, that they would take some course to prevent a Popish successor."

Mr. Harbord said, "It was his opinion, till the Papists saw that the Duke could not be King, his Majesty's life would be in danger; and that made him move for a Bill to exclude the Duke from the Succession."

Sir Henry Capel declared, "That he remembered, in the last Parliament, the House ordered a Bill to

be brought in for excluding the Duke, and that that Bill was read presently without going into a Grand Committee. I move, therefore, (says he,) That a Bill may be brought in to exclude the Duke."

Mr. *Boscawen* spoke next, who, in effect, said, "He saw no reason for going into a Committee, as proper Votes had heretofore passed; and therefore he was for having the Bill brought in immediately.

Sir *Francis Winnington*. "It is (says he) *painful to me when I speak of this great Prince; but there are degrees in things, and as my bowels yearn towards him, so do they likewise towards my wife and children. Seeing then that a Vote has already passed, and that the Nation is in expectation from us for their security, pray do not throw out what you have already voted.*"

When this Gentleman had done speaking, another said, "We are advised to be moderate, and I think we ought to be so; but I do not take moderation to be a prudent virtue in all cases that may happen. If I were fighting to save my life, and the lives of my wife and children, should I do it moderately. If I was riding on a road to save my throat from thieves, and I should be advised to ride moderately, lest I spoiled my horse, would not such advice seem strange at such a time? And, Sir, so certainly would it be, if I were in a ship (which may well be compared to a Commonwealth) and it were sinking, would not the advice, to pump moderately for fear of a fever, seem strange. But, Sir, I admire, seeing moderation is so much talked of of late, and so much recommended, *Why there cannot be other objects found out, on whom to place it, as well as on the Papists. I know not why it should not be as agreeable to Christian charity, and more for the Protestant interest at this time because it may tend to union, to place it on the Protestant Dissenters, seeing we agree with most of them in points of faith, and only differ about a few ceremonies.* Sir,

I will

I will not trouble you farther, but conclude with my motion for bringing in the Bill."

The Court Members strenuously opposed the bringing in the Bill in the way proposed, but the Lords *Russel*, *Cavendish*, and others, argued, for the reasons before related, that there was no need for going into a Committee, as desired by the other side; and therefore in the conclusion of the Debate, after one of the Patriots had justified the legality of the Bill by a long catalogue of Precedents, which he laid before the House, whereby he made it out that the succession of the Crown had been oftentimes altered by act of Parliament upon less occasions than this, the motion for bringing in of the Bill was agreed to; and then the House resolved, *That a Bill be brought in, to disable the Duke of York to inherit the Crown, &c.* and a Committee was appointed to draw up the same.

On the 3d, Sir *Edward Dering* desired leave of the House, to bring in a Bill *for uniting all his Majesty's Protestant subjects*; "I think (says he) justly so called. The method of it will be judged by you, and it may be so penned, without offence to the Reverend Fathers of the Church, the Bishops. This Motion being seconded, it was resolved *Nem. con.*

On the 4th Lord *Russel* read the order, "*For bringing in the Bill to disable James Duke of York, &c.*" "According to this order (says he) the Committee have drawn a Bill, and have commanded me to present it." And then the Bill was read the first time.

Upon which Mr. Secretary *Jenkins* got up and opposed the reading it a second time, till he was satisfied it was for the service of the Crown, and the safety of the nation; "For (says he) I have spent much of my time in studying the laws of this land; and I pretend to know something of the laws of foreign countries, as well as of our own: and I have, upon this occasion, well considered of them, but cannot

not find how we can justify the passing of this Bill."

Next he said, "If this Bill should pass, it would change the essence of our Monarchy, and make the Crown elective, and at the same time be against the Oath of Allegiance taken in its own sense without Jesuitical evasions, for binding all persons to the King, his heirs and successors. The Duke, as presumptive heir, must necessarily be understood to be the person; and therefore was of opinion, it could not be dispensed with." He further added, "He should be very cautious how he disputed the power of Parliament, and that there was no doubt but the Legislative Power was very great; *yet he was still of an opinion, that Parliaments could not disinherit the Heir of the Crown, and that if such an Act should pass, it would be invalid in itself*; which made him hope they would not permit their passion to guide them instead of reason, *but do as they would be done by*," and at last moved to throw out the Bill.

"The Honourable Gentleman who spoke last, (says another Member) may understand very much of the laws of other countries, and foreign affairs, but, I am apt to think, not much of the laws of this nation; or else he would not argue that this is a Popish Bill, when it is the only thing that can save the Kingdom and the Protestant Religion from it, which he hoped would never come to that extremity, as to need any thing that is Popish to save it." He said farther, "That he was so far from thinking this Bill was so unreasonable, as urged, that he thought the House could do no less than what they were then doing of. In short (continued he) *this Bill saves the King's Prerogative and Religion, and two good things it saves besides; i. e. the King's life and authority*; and I am for a second reading of it."

∴ Mr.

Mr. Hampden. "I apprehend that *Jenkins's* reasons have not that weight as he lays upon them. He tells us, *We should do as we would be done by*; but this rule is to be rightly understood; it must be by a regulated will: No man but would be saved from death; a malefactor would. Surely, in that case, it cannot hold, "To do as we would be done by." *I am not of opinion that the Bill should singly exclude the Duke, because he is a Papist, but that with the consequences not so much as to his being a Papist, but because of the inseparable principles of that Religion, in which it is impossible the Nation can be safe. Their Religion is none but the pride of avaritious Churchmen. Upon these considerations, I am for a second reading of the Bill.*"

The Bill to exclude the Duke was ordered to be read a second time, on Saturday the 6th of November.

On the 6th of November, the House proceeded to take into consideration the putting the laws in execution against the Protestant Dissenters, which were chiefly intended against Papists. Upon this Sir Francis Winnington said, "That the Judges are not bound by your Vote, nor does that suspend the Laws; yet what we do for the present may be a guide to them in their Proceedings.

Sir Henry Capel. "A Vote will show your sense of this matter, and will give the Judges light for the present, and I move for such a Vote."

Colonel Titus. "I suppose you intend not to declare the Law by a Vote, but the House may declare an Opinion."

Resolved, nem. con. That it is the opinion of this House, that the Act of Parliament, made in the reigns of Queen Elizabeth and King James, against Popish Recusants, ought not to be extended against Protestant Dissenters.

Ordered,

Ordered, That a Bill be brought in, for the repeal of all or any part of the Act of Parliament made in the 35th year of the reign of Queen Elizabeth, Chap. 1.

Next, *the Bill to disable James Duke of York* was read a second time.

Sir *Richard Temple* made several objections against the tenour of the Bill, as not answering the intention of the House; and at the same time shewed how, if not altered, it would occasion an inter-regnum, and that the cause for limiting the exclusion to the person of the Duke only, was not well drawn.

Sir *Lionel Jenkins* spoke next. He said, "In his humble opinion, that the whole tenour and body of the Bill carried with it a great reflection on the whole *English* nation. To suppose that one person was able to turn us about to Popery was to suppose that we are very imprudent or irresolute, in that we had no great love to, or rather were very indifferent about, our Religion; and if we may thus disinheret the presumptive Heir, not only of the Royal Family but of the whole nation, it would be subject, by such a precedent, to many inconveniences; for, by the same reason, the like may be done upon any other pretence: For, (continues he,) tho' we know that the House is composed of persons that have a great veneration for the Royal Family, yet we know not what may happen hereafter. But if some such Bill must pass, then he humbly conceived there was a necessity of naming a Successor, and not leave that in dispute; lest, hereafter, an inter-regnum or civil war might happen thereupon."

Two other Members, that spoke after *Jenkins*, were of the same opinion.

"But, Sir, (says another Member,) I tremble to hear so much urged about the King's death. Queen *Elizabeth* once said, That the naming of a Successor to the Crown, was in effect digging a grave for herself; and therefore he expressed his hope, that they would
never

never go so far as to put it into an Act. Indeed I am (concludes he) for shewing a great respect for the Duke and his children; but, I think, we are *bound in duty to the King*, and therefore ought, in the first place, to shew our respect for him; and therefore I think we cannot answer the permitting of any delay in an affair of so great importance; and I humbly move you, that the Bill may be committed, and, that all may have liberty to be concerned therein, in a Committee of the whole House."

The Bill was ordered to be committed.

"*Resolved, Nem. con.* That it be an Instruction to the Committee, *that the Exclusion in the said Bill shall extend to the Duke of York only.*"

On the 8th, the House, in a Grand Committee on the Bill to disable the Duke of York, &c. (Sir William Pulteney in the chair.)

The Preamble was postponed. To the next paragraph Colonel Titus spoke: "This matter before you is of great concern, and will need all the assistance you can get. I move that the Gentlemen of the Long Robe may be sent for." Which was done accordingly.

Lord Ruffel. "I find in the Instructions from the House to the Committee, that this Bill is only to relate to the person of the Duke of York; and I have a proviso, and if you please I shall offer it, viz. "*It is declared, that nothing in this Act shall tend to disable any person to succeed, &c. other than the Duke of York, in case he shall survive the King; but that the Crown shall descend to such person, during the life of the Duke of York, as should inherit the same in case the Duke was actually dead.*"

After which, some other clauses were added to the Bill, and then the Bill with the clauses and amendments were ordered to be ingrossed.

The King hearing, with what zeal and attention the House was proceeding upon the Bill of Exclusion, thought

thought proper to send a Message, on the 9th of November, by Mr. Secretary *Jenkins*, as follows :

“ His Majesty desires this House, as well for the satisfaction of the people as himself, to expedite such matters as are depending before them *relating to Popery and the Plot* ; and would have them rest assured, that all remedies they can tender to his Majesty tending to these ends will be very acceptable to him, *provided they are such as consist in preserving the Succession of the Crown, in its due and legal course of descent.*”

On the 10th the House took this Message into consideration.

Mr. *Boscawen*. “ I am sorry to see so great a silence in the House. I will beg leave to give you my thoughts of the message. One part, I find, is, “ *That you will prosecute the Plot.*” To which the only answer you can return is, “ That you are proceeding ; and that, if not so fast as could be wished, it was owing to your having been prorogued and dissolved ; and that prorogations have been kept up to this time.”

Mr. *Harbord*. “ There is a passage in the Bible which tells us, *That the children of Israel were put to make brick without straw.* The King would have us prosecute the Plot—provided it consists in preserving the Succession in its due and legal course of descent. I appeal to you, if there has been any examination taken relating to the Plot, but that his Royal Highness was at the bottom of it ? I will ask another question ; Whether it is possible to think that the King can be safe in a Popish Successor ? Therefore the first part of the message I would have answered in such language as becomes you, that the world may see you are for preserving the King’s Person and Protestant Religion. If you move in these steps, it will be impossible to break you.

Mr. *Hampden*. “ I would have you say in one part of your answer, “ That your endeavour is to confirm

in the King upon his Throne *with honour and safety*, and that he shall have no cause to repent of his confidence in his Parliament, but in those who represent the Government odious to the people."

Colonel *Birch*. "You have not made it the Papists interest that the King should not be taken away by those blood-sucking people, till you pass the Bill of Exclusion; till then you are never the better, and I would have this in the Address to the King.

Colonel *Titus*. "*The King, thro' his goodness and excellent nature, is unwilling that you should proceed to exclude his brother; but I hope by your reasons you will give his Majesty satisfaction, as to its being unavoidably necessary to be done.*" An Address was ordered.

On the 11th, after the Address was reported and agreed to, they stated therein "the unhappy condition the nation was reduced to, thro' the great encouragement that had been given to Papists, &c. Next, they besought his Majesty to rest assured, notwithstanding any suggestions which might have been made by persons, who, for their own wicked purposes contrived to create a distrust in him of his people, that nothing was more in their desires, and which they would more endeavour, than that of promoting his true happiness and greatness."

The ingrossed Bill *to disable the Duke of York, &c.* was read a third time.

Sir *Leoline Jenkins*. "This is a great business, and cannot be too well considered before you come to a final resolution therein. I will not now offer you any prudential arguments against this Bill, because I did offer some at the last reading; but Sir, I would desire you to consider, that this Prince is brother to our present King, and son to our late pious King *Charles* the first, for whose memory this nation hath a great veneration. That this Prince is enriched with excellent endowments, which he hath employed in the service of this nation, by fighting our battles, and de-

fending us from the oppression of our enemies, and is only guilty of this one crime, which he hoped, upon mature consideration, would not deserve so great a condemnation. In short, (added he,) if you pass this Bill, it will be of no validity, and serve only for the present to change at once the constitution of this Monarchy; and therefore, for those and other reasons, he humbly moved that the Bill might be thrown out."

The next that spoke desired, "That he might have leave to offer some objections, which, in his opinion, justly arise against this Bill; for, (says he,) I think there ought to be a proviso, "That if the Duke turned Protestant the Bill should be void; or, if he had afterwards a son or daughter, they should inherit;" for he supposed that they did not intend to chastise the children for the father's sake; and therefore he moved, that some such proviso should be added, to answer those purposes."

Another Member, who had not spoke either in this or in the former debates concerning this matter, in reply to Sir *Leoline Jenkins*, said, "He had made large encomiums on the Duke as to his having fought our battles, and done great things for the nation; but I think he has not done fairly by the House, in not telling us, *how the Triple League was broke, and my Lord of Sandwich lost his life; how he changed his Religion, and hath ever since encouraged Popery.*"

Sir *William Jones*. "Sir, I am very unfit to speak in this place, being a Member but of yesterday; but I will rather adventure to draw a censure on myself, than be wanting to serve my country (seeing they have called me hither) in a business of so great importance, I think, as great as ever was debated in a House of Commons. I can truly affirm, that I have a great respect for the Duke of *York*, as well as for the preservation of the Protestant Religion; I therefore am for this Bill. For I take it for granted, *that it is impossible*

impossible that a Papist should come to the possession and quiet enjoyment of this Crown, without wading thro' a sea of blood, and occasioning such a war as may, for ought I know, shake the Monarchical Government of this nation, and thereby not only endanger himself, but his children too."

Mr. Hyde. "Sir, altho' it hath been said, that no good Protestant can speak against the Bill; yet, Sir, I cannot forbear to offer some objections against it. I do not know that any of the King's murderers were condemned without being heard; and must we deal thus with the brother of our King? It is such a severe way of proceeding, that I think we cannot answer it to the world; and therefore it would consist much better with the justice of the House to impeach him, and try him, in a formal way, and then cut off his head, if he deserve it. But if the Bill must go on, you ought to name a Successor."

Sir Christopher Musgrave. "Nothing is more natural, than in this Bill to declare a Successor."

But other Members strongly opposed the naming one, and offered several reasons against it.

Upon this Colonel Legge hastily got up, and said, "*If my Master the Duke be a Papist, God's curse be on him that was the cause of it—Yet I hope you will not pursue such a course as to leave misery on his posterity.*"

Sir Henry Capel spoke next, and urged, among other things, "*That if this Bill should not pass, all the nation would be in blood.* Therefore (says he) pray pass the Bill."

Mr. Finch. "I am against the Bill, and much more since I have heard it objected, *That this Bill was a punishment.* I would know whether any Gentleman, that had an estate settled upon him, would not call such a punishment. *To a Prince, this is to him as a civil death; and to one of the Duke's spirit it is worse than death.* I would not raise scruples, nor

magnify them. In a word, I am for throwing out the Bill."

Mr. *Trenchard*. "I shall speak a few words to the injustice objected, "of laying the Duke aside in the succession before he be cited to be heard." *There is a great difference betwixt barely putting a man out of his right, and where there is danger that he will involve the Nation in misery. There is no more injustice in excluding the Duke from the Crown than in excluding the Popish Lords from the Parliament, and in forfeiting two thirds of their estates to the King. But when a thing is pro bono publico, we ever step over private rights. The King's right to the Crown is by common and statute law, and the House of Lancaster had three descents by Acts of Parliament;" and then he instanced how they happened. In the conclusion he said, "It is neither safe for the King nor Kingdom, without passing this Bill, and if you do not nominate a Successor, he may come to the Crown without blood, and so may the Bill have an easy passage.*

This Bill passed, and Lord *Russel* was ordered to carry it to the Lords.

It is worthy of remark, says an anonymous writer, that tho' the Bill was ordered to be carried to the Lords on *Tuesday* the 11th of *November*, yet it was not carried up till *Monday* the 15th following; and there is no way to account for that demur, after it had been before carried thro' the House with such rapidity, than by supposing that that interval was employed by the party leaders on both sides in endeavouring to bring this matter to a compromise. *Bishop Burnet is express as to the fact, but not as to the time.*

On the 13th, Mr. *Peter Norris* was called into the House, and gave an information in writing, relating to the Popish Plot, which was read at the Clerk's table,

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First Duke of DEVONSHIRE. 145

A Committee was appointed, to receive informations concerning the Popish Plot, to whom *Norris's* was referred.

Mr. *Trenchard*, reports from the Committee to whom a charge against Sir *George Jefferies*, Recorder of *London*, was referred, when the House, after hearing the Report, Resolution, &c. read, *resolved*, *That this House doth agree with the Committee, that Sir George Jefferies *, by traducing and obstructing the petitioning for the sitting of the Parliament, hath betrayed the rights of the subject.*

* *Dryden*, the Court Poet, when Sir *George* was created a Peer, and made Lord High Chancellor in King *James the II'd's* reign, in the year 1688, addressed some poetical lines to his Lordship on his birth-day. A few of them follow :

In open prospect nothing bounds our eye,
Until the earth seems join'd unto the sky :
So in this hemisphere our utmost view
Is only bounded by our King and you :
Our sight is limited where you are join'd,
And beyond that no farther Heav'n can find.
So well your virtues do with his agree,
That though your orbes of different greatness be,
Yet both are for each others use dispos'd,
His to inclose, and yours to be inclos'd.
Nor could another in your room have been,
Except an emptiness had come between.
Well may he then to you his cares impart,
And share his burden where he shares his heart.
In you his sleep still wakes ; his pleasures find
Their share of bus'ness in your lab'ring mind :
So when the weary sun his place resigns,
He leaves his light and by reflection shines.

But what is very remarkable is, that in a very few months after this time-serving Gentleman had presented these fine encomiums on King *James* and his Chancellor, the first abdicated the Throne, and the other ran away for fear of being torn to pieces by the people, upon account of his tyrannical acts as a Judge, and who at last resigned his office, and intended to have left the Kingdom after this manner ; first he threw the Great Seal into the River *Thames*, next put himself into the habit of a sea-faring man, and in that disguise he was taken just as he was going on ship-board, and cast into the *Tower*, there he soon died, and, as it has been said, broken hearted.

Oracred,

Ordered, That an humble Address, be made to his Majesty, *to remove him out of his public offices;* (and that this Vote be communicated by the fitting Member to the Court of Aldermen, &c.)

An ingrossed Bill from the Lords *for the better regulating the trials of the poor of England*, was read a second time.

On the 15th; after some objections that had been raised, relating to the *Bill of Exclusion*, were heard, and over-ruled without a question, my Lord *Russel* carried *the Bill to the Lords*.

This Bill was, upon the first reading, rejected by that House, which so irritated the Commons; *that they voted, Nemine Contradicente, that the Duke of York being a Papist, was the cause of the present conspiracy against the King and the Protestant Religion.*

Now let us see what *Burnet, Ralph, and Reresly* say, of the behaviour of the House of Lords in this important affair.

The first tells us, "That the Bill of Exclusion was quickly brought up to the House of Lords; the Earls of *Essex* and *Sbastesbury* argued most for it, and the Earl of *Halifax* was the champion on the other side. He gained great honour in the Debate, and had a visible superiority over Lord *Sbastesbury*, in the opinion of the whole House; and that was to him triumph enough. In the conclusion, the Bill was thrown out upon the first reading. The Country party brought nearer to an equality than was imagined they could do, considering the King's earnestness in it, and that the Bishops (except three) were against it."

The second says, "The Debates lasted till eleven o'clock at night, whilst the rage of altercation, and the lust of superiority kept up the contest, the King being present all the while, and the whole House of Commons attending, who had adjourned their own
Proceedings

Proceedings to indulge their curiosity, in observing the progress and event of this."

The third relates the matter thus: "This was one of the greatest days ever known in the House of Lords, with regard to the importance of the business they had in hand, which concerned no less than the lineal succession to the Crown. Great was the Debate, and great were the Speakers. The chief of those for the Bill was the Earl of *Shaftesbury*; the chief of those against it Lord *Halifax*. It was a matter of surprise that the latter should appear at the head of an opposition to the former, when they were wont always to draw together*; but the matter in agitation was against Lord *Halifax*'s judgment, and therefore he opposed it with vigour, and being a man of the clearest head, finest wit, and fairest eloquence, he made so powerful a defence, that he alone, so all confessed, influenced the House, and persuaded them to throw out the Bill.

As to the *French* author, *Rapin*, he has been so far from relating the truth concerning this famous affair, that he has, on the contrary, grossly misrepresented the Proceedings of the House of Commons in particular, which is, in fact, much of a piece with many other unfair reflections which he has cast on some worthy men, who in every respect deserved better treatment.

The Numbers on the Division in the House of Lords were sixty-three to thirty; so that if the whole Bench of Bishops had voted for the Bill, it must have passed there.

Before the Bill of Exclusion was thrown out of the House of Lords, the King, the same day it was car-

* Sir *John* did not here attend to what had happened the preceding year, that of *Shaftesbury* being dismissed from the Council and the Court, and at this time was in high disgrace both with the King and the Duke of *York*.

ried up, sent the following Message to the House of Commons :

“ His Majesty did, in his Speech, at the opening of this Session, desire the advice and assistance of his Parliament, in relation to *Tangier* * : The condition and importance of the place obliges him to put this House in mind again, that he relies upon them for the support of it; without which it cannot be much longer preserved.”

After this Message was read, the House, for a short space of time, remained silent; when at last my Lord *Russel* got up, and spoke as follows: “ If there ever should happen in this nation any such change, as *that I shall not have liberty to live a Protestant, I am resolved to die one*; and therefore would not willingly have the enemies strengthened, as I suppose they would be, if we should give money while we are sure it must go into the hands of the Duke’s creatures. Doth not the Duke’s interest endanger the King’s life? *And are not our lives and fortunes in danger to be swallowed up by his power?* And shall we make them stronger, by putting money into their hands? No, Sir, they are too strong already. But whenever his Majesty shall be pleased to free us of the danger of a Popish Successor, and remove from his Council and places of trust all those who are not for his interest (because there can be no distinction between the Duke’s interest and the Popish,) then, Sir, I will conclude, that what money we shall give shall be disposed of according to his Majesty’s own royal pleasure, and for the true Protestant Interest; *in such case, I shall be ready to give all I have in the world, if his Majesty shall have occasion for it*; but in the mean time, I pray, Sir, let us not make it worse, and, until the King shall be pleased to give us encouragement to express

* This place was then thought by some to be of as much importance to *England*, as *Gibraltar* is now.

our duty and loyalty to him, instead of giving him money let us do it by making an Address, and plainly tell the King we cannot now consider of *Tangier*."

My Lord *Carvendish* was of the same opinion, and therefore declared for the Address in the manner his friend proposed.

Sir *William Temple* spoke next. "Sir, (says he,) his Majesty puts you in mind of giving advice as well as money. I think, if we make the last expression one part of the ground of our Address, we may naturally graft very good things thereon, especially what may conduce to a fair correspondence betwixt the King and his Parliament; *for tho' a King alone cannot save a kingdom, yet a King can do very much to ruin it; and tho' Parliaments alone cannot save a kingdom, yet Parliaments alone may do much to ruin it.* We have reason to fear, that there are those who contrive the putting off this Parliament. I pray, Sir, (continues he,) let us not give them any advantage; and then, I doubt not, but by his Majesty's care and goodness he will at last overcome all difficulties, and bring this Session to a happy conclusion."

The next that spoke urged, "That either this House must speedily give some supply for *Tangier*, or else it would be taken; for the *Moors* (said he) are come down with such a mighty army, and his Majesty hath been at so great an expence already, that he is not able of himself to do more to oppose them. And this sudden danger could not, by any means, have been foreseen; for the motions of the *Moors* with their armies are not like those of *Europe*, but more quick and sudden; and their designs and consultations out of the reach of any discovery by intelligence, before put in execution. Now, if something be not immediately done by this House to relieve it, it must be lost; therefore they should think of some effectual method to relieve it for the present, as well

as to secure it for the future against the like attempts."

In answer partly to what the last Gentleman said, another spoke as follows: "Among the rest of the regiments that have been sent to *Tangier*, I think there is my Lord *Dunbarton's*. Haply that air may have changed their behaviour, for I am sure they were looked upon as rank Papists all the while they were here, and, I believe, in *Ireland* too. I have heard, that one argument that was given elsewhere against a Bill that was passed in this House, was, that the Duke had all the Papists in *England* ready for his assistance; that his particular friends had the command of all the places of strength in this nation; that he had an army of twenty two thousand men in *Scotland* at his command; that in *Ireland* the Papists were six to one for the Protestants; and that most of the Princes of *Christendom* were combined for his assistance; add to this, that the government of *Tangier* is also at his command*, and, I think, we have no great reason to give money as yet. I am very well satisfied, Sir, that we ought, and must put a trust in the King; an argument much used in former Parliaments; but I admire it hath been so long forgotten in this. If there were no other reasons to be given but what I have mentioned, why we cannot at this time give money, I think those enough: *For there is a perfect contra-*

* It was the general opinion at that time, that the chief reason for the King's applying so strenuously to Parliament for the relief of *Tangier*, was not so much wanted on that account, as it was to answer some of the King's other private occasions, which was not then proper to be mentioned. Indeed, this application, may be said to be something like what my Lord *Cavendish* took notice of, when such a one was made for money to keep up the army, after the peace was concluded, and it appeared no war with *France* was ever intended; "I would (says his Lordship) have the Minister make use of this honourable peace for continuing the army, as they did of the late honourable war for raising it.

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dition between the King's interest and the Duke's interest; and until we see about the King, persons less engaged for the Duke's interest, we cannot answer the giving of money; and I humbly move you, that the Committee may make this consideration part of their Address."

After this another Member stated the matter thus: "I see, Sir (says he) that new dangers start up daily, and the Popish Interest is strong enough to give defiance to the Protestants, the power and merits of the Duke being frequently magnified above the King's. How to prevent the growth of it, I know not; all that we can do at this time is, to appoint a Committee to draw up an Address, as has been moved, to represent things fairly to the King; and pray, Sir, let it be drawn with that duty and humility as becomes Subjects, *but with that truth and plainness as becomes an honest English House of Commons.*"

E. D. "Seeing, Sir, (says he,) that *Tangier* is a place of so great consequence, I am now of opinion, as his Majesty has so earnestly recommended it to the care of this House, it would not be amiss to order a true account to be brought in of the state of *Tangier*, and that, when we are more at leisure, we may consider of it, and do what is proper on the occasion."

C. B. "I could wish our fears and jealousies were either so inconsiderable, or so well over, as that we were ripe to consider the state of *Tangier*, and into whose hands to lodge the money for its relief; but, as our Bill has miscarried, and the power and strength of the Duke's party be as I have heard, I think we ought in the first place to consider, whether we have any thing to give, or not; and, if we find we have not, or that it is in great jeopardy, I think we ought first to consider of our home affairs, before we think of securing *Tangier*. In the mean time, I agree to the motion that has been made for an Address, *and desire that it may be drawn very full and plain.*"

S. F. said, "I think, Sir, nobody should move you to take the state of *Tangier* into your consideration at this time, without an apology: For, if we should be persuaded thereto, we may be reflected on, as *Nero* was, *for playing on his fiddle when Rome was on fire*. When we are in such danger to have our throats cut from within, to what purpose will it be to spend our time about securing things abroad? especially when we plainly see, it cannot be effected by any supplies, without increasing the fears and dangers of our destruction. Is not all *England* in danger to be lost? Let us secure the ship, before we dispose of the cables. When we are secure against a Popish Successor, and the fear of having a Popish King, then it will be time enough to think of *Tangier*: For, as the power of a Popish Successor hath lately appeared in the opposition made to our Bill, so I make no doubt but it will appear in the management of our money too, if we should give any. *When the stomach is clean, what food a man takes turns to nutriment, and preserves the life and strength of the body; but when the stomach is foul, food turns to humour and destruction*. Sir, so it is with the body politic: When the King shall be pleased to remove from him such as give him ill advice, and are against the Protestant interest, that so we may have reason to presume that the money will be employed for our good, then, I hope, we shall be ready to shew our duty, in giving as much money as his occasions shall require; otherwise, I am afraid, we may be served as we have been formerly. But, as yet, I think our condition is not so happy, but rather fear the management of our affairs is very much out of order: *For tho' we had never more Treasurers, yet never less Money; never more Admirals, yet never a worse Fleet; and tho' never more Counsellors, yet never less Safety*; of which I hope his Majesty will be sensible. However, let us do our duty in giving our Sovereign the best advice we can;
and

and therefore let us, I pray you, give him the grounds and reasons of our Proceedings by an Address, instead of granting money."

In short, several other speeches were made *pro* and *con* in this affair; and at last the House, upon the question being put, resolved, *That a Committee be appointed to draw up an Address, to be presented to his Majesty, upon the Debate of the House, representing to him the dangerous state and condition of the Kingdom, in answer to his Message.*

This Address was drawn up in strong and pathetic terms, wherein they represented, "That they had taken into serious consideration his late Message, and that at present they could not, thro' their unhappy condition at home, think of granting any supply for the support of *Tangier*;" and then they proceeded to state at large what they had fully spoken in their Debates, concerning the treatment the Protestants had had from the Papists; and then concluded in the following words, "*That our only hope*, next under God, is in your sacred Majesty, that by your great wisdom and goodness we may be effectually secured from Popery, and all the evils that attend it: And that none but persons of known fidelity to your Majesty, and sincere affections to the Protestant Religion, may be put into any employment, civil or military; that whilst we shall give a supply to *Tangier*, we may be assured we do not augment the strength of our Popish adversaries, nor encrease our own dangers. Which desires of your faithful Commons, if your Majesty shall graciously vouchsafe to grant, we shall not only be ready to assist your Majesty in defence of *Tangier*, but do whatever shall be in our power to enable you to protect the Protestant Religion and interest, both at home and abroad, and to resist and repel the attempts of the enemies to your Majesty and Kingdom."

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It is here to be observed, that thro' this whole Address, there is not one word mentioned of the House of Lords having rejected the Bill of Exclusion, which was omitted, as we presume, upon account of what Sir *William Temple* had recommended in one of his speeches.

Whilst these different matters were transacting, a complant being made to the House of the arbitrary proceedings of Sir *William Scroggs*, in his office of Lord Chief Justice of the *King's-Bench*, in order to make a full enquiry into this matter,

On the 13th of *November* several persons were examined in the House of Commons concerning an unusual dismission of a Grand Jury in *Middlesex*; on which several Members gave their sentiments; and after some Debate, first, the House resolved, "That the discharging of a Grand Jury by any Judge before the end of a Term, Assize, or Sessions, while matters were under consideration, and not presented, is arbitrary, illegal, destructive to public justice, and a manifest violation of his Oath, and besides is a means to subvert the fundamental laws of the Kingdom."

"Resolved, 2. That a Committee be appointed to examine the Proceedings of the Judges in *Westminster-hall*, and report the same, with their opinions therein, to the House."

Whereupon a Committee was appointed accordingly, whereof my Lord *Cavendish* was one of the principal.

Which Committee met many times, and at last came to several resolutions, which were reported, and are as follow :

"First, That the discharging of the Grand Jury of the Hundred of *Offulston*, in the County of *Middlesex*, by the Court of *King's-Bench*, in Trinity Term last, before the last day of Term, and before they had

had finished their Presentments, was illegal, arbitrary, and a high misdemeanor.

[*Ralph* gives us the reason for this Vote, as follows: Lord *Shaftesbury* engaged Lords *Huntingdon*, *Grey of Werk*, *Cavendish*, *Russel*, *Brandon*, Sir *Edward Hungerford*, Sir *Henry Calverley*, Sir *William Cooper*, Sir *Gilbert Gerrard*, Sir *Scroop How*, *Thomas Tbynnè*, *Thomas Forster*, *John Trenchard*, and *Thomas Wharton*, Esquires, to go with him into *Westminster-Hall*, to the Grand Jury for *Middlesex*, then sitting, and all of them in a body publickly present to them Reasons for the indicting the Duke of *York* as a Popish Recusant. The immediate effect of this daring action was not so great as was expected; for while the Jury were yet deliberating on the Presentment, the Court of *King's-Bench* had the address to send for them up, and discharge them.]

“Secondly, That it was the opinion of the Committee, that the Rule made by the Court of *King's-Bench* in Trinity Term last, against printing a book, called *The Weekly Packet, or Advice from Rome*, is illegal and arbitrary.

“Thirdly, That it is the opinion of this Committee, that the Court of *King's-Bench* (in the imposition of Fines of late years) hath acted arbitrarily, illegally, and partially, favouring Papists, and persons popishly affected, and excessive oppressive to his Majesty's Protestant subjects.”

“Fourthly, That it is the opinion of this Committee, that the refusing sufficient Bail, in cases bailable by law, was illegal, and a high breach of the liberty of the subject.”

“Fifthly, That it is the opinion of this Committee, that the expressions made use of by Baron *Weston**, were a scandal to the Reformation, in derogation of

* This Baron was a reputed Papist.

the rights and privileges of Parliament, and tending to raise discord between his Majesty and his subjects.

“Sixthly, That the Warrants set forth in the Report of the Committee, are, according to their opinions, arbitrary and illegal.”

All which Resolutions being read in the House, were agreed to, and then it was resolved, “That Sir *William Scroggs*, Chief Justice of the *King's-Bench*, be impeached, and that my Lord *Cavendish*, with others, should draw up Articles of Impeachment against the said Sir *William*, which being soon perfected, he presented them to the House, where they were read.

After this, the question was put, whether the Articles should stand? when it was resolved, “That they should be carried up to the House of Peers by my Lord *Cavendish*, which was accordingly done in the usual form.

After the Articles were read in that House, *Scroggs* put in his answer, and then petitioned that a convenient day might be appointed for his trial.

The Lords sent copies of the Answer and Petition to the Commons.

But the Parliament being soon after prorogued, this affair dropped; however, the Lord Chief Justice was removed from his high station, and allowed a pension for life.

The Commons also were very assiduous in enquiring into the partial Proceedings of some of the other Judges; and, in a Committee where my Lord *Cavendish* sat, came to several resolutions; but, before they were reported, or any thing further was essentially done, the King came, on the 15th, to the House of Peers, and made a Speech; wherein, after taking notice of his own and his Allies affairs abroad, he proceeded thus:

“I have

"I have laid the matter plainly before you, touching the estate and condition of *Tangier*. I must now tell you again, that if that place be thought worth the keeping, you must take such consideration of it, that it may be speedily supplied, it being impossible for me to preserve it, at an expence so far above my power.

"I did promise you the fullest satisfaction your hearts could wish, for the security of the Protestant Religion; and to concur with you in any remedies *which might consist with preserving the Succession of the Crown in its due and legal course of descent*: I do again, with the same reservations, renew the same promises to you.

"And being thus ready, on my part, to do all that can reasonably be expected from me; I should be glad to know from you, as soon as may be, how far I shall be assisted by you, and what it is you desire from me."

The Commons being returned to their House, one of the Members said, "I would willingly move you to appoint a day to consider of his Majesty's Speech; because it is according to the usual methods of Parliament; and I should be sorry to see this House shew less respect to his Majesty's Speeches, than former have done. But upon hearing it now read, I do conclude, that it will be to little purpose to appoint a day for the consideration of it, because every paragraph of it tends to money, unless that about securing religion, if it may be so understood, notwithstanding the reservation in it about the Succession. We have already endeavoured, by several Addresses we have made, to assure his Majesty of our loyalty and readiness to promote whatever may tend to his happiness and greatness; and that when we are secured of our religion, we will readily give money; we can do no more than confirm the same, after we have considered this Speech." This Gentleman,
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therefore, was for adjourning the consideration of the Speech till some other time.

But another Member replied, "It is true most of the paragraphs of his Majesty's Speech are memento's about money; but then, Sir, (says he,) in the conclusion of it, he tells you, *that he is desirous to know how far he shall be assisted by us, and what it is we expect from him?* Sir, I think this is a fair way of coming to a right understanding of each other; for I am apt to believe, that if the King knew how reasonable the things are that we desire of him, and how ready we are to give him all the assistance he can desire for the support of the Government, that we should not long continue under these misunderstandings; and therefore I humbly move you to appoint a day to consider his Majesty's Speech;" which the House agreed to do on the 18th.

But in the mean time the Commons took into consideration, how to secure the Kingdom against Popery and arbitrary Power; upon which my Lord *Cavendish* got up, and spoke as follows:

Lord Cavendish. "Sir, when I consider the immunities and advantages we enjoy, by the excellent composition of our Government both in Church and State; how the King, as Sovereign, enjoys all the Prerogative that can be necessary to make him either great or happy; and the people all the liberty and privilege that can be pretended for their encouragement to be industrious, and for securing to themselves and posterities the enjoyment of what they get by their industry; and how the doctrine of our Church is void of idolatrous and superstitious opinions, and the Government of tyranny and absolute dominion: I cannot but admire, that there should be any body amongst ourselves that should aim at any alteration, and be the occasion of this day's Debate.

"But, Sir, it is too evident that such there are, and that they have made a great advance to effect their designs

designs by many contrivances, which they have pursued for a long course of years, according to the results and consultations held by *Jesuits* for that purpose: But above all by perverting to their religion *James Duke of York*, the presumptive heir of the Crown, and by engaging him to espouse their interest with that zeal and fervency which usually attends new converts, especially when so great a glory is proposed 'as the rooting out of a pestilent heresy out of three nations, and the saving of so many souls as would depend thereon.

" The sad effect of this conversion we have felt for many years, it having had the same operations in our body politic, as some sorts of lingring poison have in bodies natural; made us sick and consumptive, by infecting and corrupting all the food and physick which have been applied, in order to reduce us to Popery and slavery, worse than death itself. From this fatal act, the declination of the grandeur of this monarchy may be dated, and to the consequences thereof, its absolute ruin (if not timely prevented) will be hereafter attributed.

" This being our case, I could not but admire to see this House so long in coming to consider this weighty point: Infomuch that I began to persuade myself, that either our dangers were not so great, as our discourses upon some other occasions had represented them; or that we were not in good earnest to endeavour any redress. It is true, when we consider what ill fortune we have had with our Bill lately sent up to the House of Lords, in having it thrown out in such a heat, without so much as a Conference (though whenever they shall consider of it in cool blood, they will find there can be no other way to secure the Protestant Religion) we may with some reason be discouraged.

" But I hope, Sir, that seeing our country have thought us worthy to be their Representatives, we

shall not be so easily daunted in what so nearly concerns them ; but be as indefatigable in finding out ways for our preservation, as our enemies are to find out means for our destruction ; hoping we shall not always meet with so bad success in the House of Lords : For tho' the too much kindness of some men who pretended to be for the Bill, but underhand made a party against it, did this time operate as fatally as enmity disguised in friendship used to do ; yet, I hope, that in another occasion we may have better success, not doubting but a great many Lords, when they are persuaded that they shall not be able to find out any any other way (as I hear they begin to despair they shall) to secure the Protestant Religion, that they will join with us in the same, or some other Bill to the same purpose ; especially my good Lords the Bishops, who cannot be presumed to have made peace with *Rome*, but to be ready to die for the Protestant Religion, and therefore doubtless will not long stick at joining in a Bill to save it.

“ But, Sir, seeing that, according to the course of Parliaments, we are not like to bring this to a trial for a long time, I am of opinion, we had best try something else : And altho' I know not what other Act can be made to serve instead of that, but will either prove too weak or too strong ; yet, seeing we are put upon it, we must try, that so we may not be represented as stubborn. And therefore I humbly move you, that a Bill may be brought in for the association of all his Majesty's Protestant subjects.”

Sir *Francis Winnington*. “ We have had the misfortune to lose our Bill in the House of Lords, and as we are in great danger, nature teaches self-preservation : But it is difficult to speak to this business when the whole frame of the Government is out of order, and Popery so publickly carried on by the Ministers. From the Minister of State to the Constable they are either Popish, or dare not but do what
they

they are commanded. Whoever advised the King against the Bill, pray God their posterity feel it not. Judges that hurry away a Jury, and such as are afraid of the strength of that Bill, throw it out, right or wrong. What I conclude with shall be, Lord *Cavendish's* Motion, who humbly bewailed the loss of that Bill; for you must take some speedy remedy, or all will be undone."

Mr. *Montague*. "Sir, great things are expected from this day's Debate; and we could not well have entered into it sooner; it now comes more seasonably than it would have done before, because of the opportunities we have had to feel the pulse of affairs since the beginning of the session; and the time we have spent in asserting the right of petitioning, by which the essence of Parliaments, and the foundation of the people's liberties, were struck at. And the trial of my Lord *Stafford*, and the disinheriting Bill, could not possibly have been avoided*. And as our labour hath not been lost in all, so I hope that at last we shall have some benefit of that spent about the Succession Bill. For, as it was said at the passing of the Bill, that there were a Royal Party that would never acquiesce in it; for, Sir, I am afraid that the Popish Party are more serious in their designs than we are aware of, and that they have used great endeavours for many years to keep up our divisions in point of Religion; the next great artifice they have been guilty of has been that of infusing into the people a dislike of Parliaments, for they well know that Popery can never be established in this Nation, as long as Parliaments are permitted to sit and act. Therefore I think the

* It is here once more to be observed, that Lord *Stafford*, one of the five Popish Lords who had been some time a prisoner in the *Tower*, was about this time tried, on an Impeachment from the House of Commons, by his Peers, and found guilty of High Treason, and was, in a few days afterwards, beheaded.

only way to secure the Protestant Religion, will be that of banishing the Papists."

After this and some further debates it was resolved, "*That so long as the Papists had any hopes of the Duke of York's succeeding to the Throne, the King's Person, the Protestant Religion, and the lives, liberties, and properties of all his Majesty's Protestant subjects, were in apparent danger of being destroyed.*"

Another Member said, "Sir, I am of opinion, the Popish Plot goeth on as much as ever; and therefore I humbly pray, that the House may be moved to appoint a Committee, to draw up and bring in a Bill for associating all his Majesty's Protestant subjects,"

Upon this the House, on Lord Cavendish's motion, resolved, "*That a Bill be brought in for the said Association, &c.*"

The 17th of *December* the House resolved into a Committee, further to consider of ways and means to secure the kingdom against Popery and arbitrary government; and after several debates it was particularly taken notice of in the Committee, how ineffectual all Laws would prove without having good Judges and Justices in commission that will execute them, and how frequent Parliaments would conduce to have such Laws duly put in execution. Upon this they came to the following resolutions:

"1. *That it is the opinion of this Committee, that the House be moved that a Bill be brought in, for the more effectual securing of the meetings and sittings of frequent Parliaments.*

"2. *That it is their opinion, that the House be moved that a Bill be brought in, that the Judges may hold their places and salaries quamdiu se bene gesserint.*

"3. *That it is their opinion, that one means to prevent arbitrary Power is, that the House be moved that a Bill be brought in to make illegal exaction of money upon the people, High Treason.* Reported to the House, and agreed to.

On

On the 18th of *December* his Majesty's Speech to both Houses was again read, and took into consideration. One of the Members opened the debate thus. "I would begin (says he) with the latter end of the Speech first; because that part of it is most likely to beget a fair understanding between his Majesty and this House. But I cannot but observe, what great care is here again taken of preserving the Succession in the right line, as in all other his Majesty's speeches ever since the Plot broke out. I think, more could not be done, tho' it was in behalf of the King's son, and a Protestant too. That limitation, and *his Majesty's offer of securing the Protestant Religion*, (if by Succession in the right line is meant the Duke,) upon many debates in this House are found irreconcilable; and consequently, if the Duke should succeed, his Majesty's offer of securing the Protestant Religion must be frustrated: For certainly that can never be secure, if a Papist comes to the Throne."

Another Member said, "This last part of the Speech, I believe, is his Majesty's own. He seems willing to know what you expect from him, and what you will do for him; which, I think, is a fair proposition to come to an understanding. And altho' it be not good manners to offer to make a bargain with his Majesty; yet, as in bargains there is a *quid pro quo*, so in this. And I think we need not fear talking of money in this House, as all seem resolved to give it freely if we can be secured of our Religion, but not otherwise; and therefore I move to address his Majesty, that, upon having our Religion properly secured, we are ready to assist him with such money as shall be necessary to answer all his occasions."

Mr. Garroway. "*I would make no obligation for money till we are satisfied in the security of the Protestant Religion and our property. Till then, I would talk of no supply whatsoever.*"

Sir

Sir *William Temple* answered, "As we have Alliances, it would be a great support to us to have a fleet at sea to strengthen them. I shall say nothing of jealousies; *but it puts me in mind of a Jew at Amsterdam, who vowed never to give any thing, and would not give his hand to one to help him out of a ditch.*"

Sir *Francis Winnington* moved, "That upon debate of the House, it might be referred to a Committee to draw up an answer to the King's Speech, and therein set forth what are the humble desires of the House."

Colonel *Birch*. "Let the King know, in the Address; the necessity of passing the Bill we desire, and so long as this is undone his life is not safe; and then you will supply him with money to help his present occasions. It grieves me to the heart to see his family in this condition; they have brought him into it, and pray do you bring him out."

Mr. *Boscawen*, in general, said, "That what had been asked concerning the security of our Religion, &c. must be made, before we can grant any money; and therefore he was for the Address."

Lord *Russel* spoke next, as follows: "Being it is so apparent, that all our fears of Popery arise from, and center in, the Duke of *York*; and that it is impossible the affairs of this nation should ever be settled on a good Protestant bottom, as long as there is a Popish Successor, which cannot be prevented but by a Succession Bill; therefore I am not for clogging this Address with request for any thing more, than that one Bill."

Lord *Cavendish*, who seemed pleased with the behaviour of the House, expressed himself as follows: "I am satisfied with this day's debate. If the King would be pleased to find out some expedient for this Bill, it will be much for our security. I am of opinion with those Gentlemen, who will stand by the King for the interest of the kingdom; tho' I cannot condemn their
caution,

caution, especially when I consider that Parliament I was of, when money was given for the public, and the use they made of it. I would not have Alliances discountenanced because Popish Princes are in them. The Popish interest relies upon rising and flourishing Monarchs, as *France* is: I would therefore, in the first place, offer the King those things necessary for our support; and when we give money, would do it with such reserve, as to be sure to have something for it. I move, therefore, that a Committee be appointed to draw up an Address upon the matters now debated, &c."

G. V. "For my part, I am not for enumerating many Bills, but should be (says he,) content to give money upon having the Exclusion Bill only; which being so precisely necessary for the preservation of our Religion, all the world will justify us in the demanding of it before we part with money; and therefore I desire the Committee may draw up the Address accordingly." Which was done in the method proposed by Lord *Rassell*, and agreed to by his friend Lord *Cavendish*. The conclusion ran thus:

"These our humble requests being obtained, we shall, on our part, be ready to assist your Majesty for the preservation of *Tangier*; and for putting your fleet into such a condition, as it may preserve your sovereignty of the seas, and be for the defence of the nation.

"If your Majesty hath, or shall make any necessary Alliances for defence of the Protestant Religion, and the interest and security of this kingdom, this House will be ready to assist and stand by you in the support of the same.

"After this our humble Answer to your gracious Speech, we hope no evil instruments whatsoever shall be able to lessen your esteem of that fidelity and affection we bear to your service; but that you will

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always

always retain in your Royal breast that favourable opinion of us your loyal Commons, that those good Bills which we have now under consideration, conducing to the great ends we have before-mentioned, as also all Laws for the benefit and comfort of your people, which shall, from time to time, be tendered for your Royal Assent, shall find acceptance with your Majesty."

After this Address was presented, on the 21st of December a Bill was read, *for uniting the King's Protestant subjects.*

When this was read, several speeches passed concerning the form of it, and several amendments were made thereto; and in the conclusion of the debate the House resolved, *That no member should accept of any office or place of profit from the Crown, without the leave of the House; nor any promise of any such office or place of profit, during such time as he shall continue a member.*

The next matter that was now brought upon the carpet, was that relating to the banishing of Papists, to effect which, one of the Members had before moved that a Bill might be brought in.

This occasioned a new Debate; upon which a Member said, "I do agree that a Bill *for banishing out of England the most considerable Papists*, may do very well; but I hope, Sir, that if you banish the men, you will banish some women too; for I do believe that many of that sex have done a great deal of mischief, under a shew of the Queen mother's protection, and by that means they have helped to carry on the Plot; nay, they had the impudence to pretend they had her patronage; so that by their abusing her authority, and the Duke's marrying the Princess of Modena, because of her near relation to the Popes and Cardinals, those women have been as instrumental in promoting the Popish interest as any of the men could possibly be. Pray how can it be otherwise, when

when we consider their principles. But, Sir, I will not trouble you farther about it; but suppose it may be worth your consideration one time or other. In the interim, I agree to *the bringing in the Bill for Banishing and Association too.*"

W. H. "I am under an apprehension that such stratagems will be used by the Popish Party, should an Association Bill be brought in, that it will be impossible to provide against all of them. And may we not conclude, that in *England* there are one hundred thousand Papists fighting men, and that *Portsmouth, Plymouth, Sheerness, Tilbury-Fort, and Hull*, and all other places of importance, will, when that interest shall think it convenient, be put in the hands of persons they can confide in, as well as the command of the militia and fleet.

"And if this be the case, and there be nothing wanting but a Popish King to complete our misery, well may we lie down and cry, *We have no body to help us, but only thee, O God.*"

The next Member that spoke, said, "Sir, by the serious discourse which this worthy Member hath made, of the sadness and insecurity of our condition, we may plainly see, how, by the interest of the Duke of *York*, there is a great power combined against us, and that our condition is irrecoverable, if he should come to be King. And therefore, Sir, I desire you would put the question, upon a motion that was made a little while since, That it is the opinion of this Committee, that, as long as the Papists have any hopes of the Duke's succeeding to the Government of this Nation, neither the King's Person, the Protestant Religion, nor the Government of this Nation, can be secure."

This the House resolved accordingly.

After the House had made the last resolution, another Member addressed himself to the Speaker thus: "That we may not spend our time in vain, I

would humbly move you, Sir, to go on with the Bills of Association and Banishment, which are most likely to do you some service. At least, by them we shall see, whether any thing will be granted against Papists; or not: To answer the last purpose it will be necessary, that the House be moved, that the Knights, Citizens, and Burgeſſes, be commanded to bring in a list of all the most considerable Papists in *England*, in order to banish the most notorious of them."

W. H. "Sir, I think you have been well moved both for the Association as well as the Banishing Bill. By the one, you will send your enemies out of the country; and by the other, you will be in a condition to keep them out, which may go a great way towards securing us."

"But pray, Sir, (says another Member) what will it signify to banish Papists, as long as there is a Popish Successor. For I remember (says he) what a great man in *Sweden* once told me, that all the laws they could make never had any effect against the Papists, *till we had not only banished them out of our Country, but secured the Government in the hands of Princes of our own Religion*; and I am afraid that nothing less than the same way will ever do our business here."

[*This Gentleman's fear was certainly well founded, as fully appeared when the Duke of York came to be King.*]

"For my own part I am afraid (says *Sir B. W.*) that my good friend that spoke last will sooner see this Parliament dissolved, and that the mentioning of these Bills will hereafter rise up in judgment against us. However, I think we must adventure.

"What this Association-Bill may be, I cannot tell, until it be drawn; but I see no opposition made to any of those Bills that have been proposed; and I believe there is much business yet behind for this day, and that you will do well to husband your time, and
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at this business out of your hands, by putting the question.

Resolved, That it is the opinion of this Committee, that one means to suppress Popery would be, that the House be moved that a Bill be brought in immediately, to banish all the considerable Papists out of the Kingdom.

Mr. Montague. "Sir, by offering at the Exclusion Bill, we may conclude we have offended the Duke of York; and so also may by this Bill for banishing the most considerable Papists out of England. *As we have many enemies, so it will be convenient that we should endeavour to get some law to defend ourselves against their implacable malice.* For which a Bill for an Association of all his Majesty's Protestant subjects may do well; and therefore I pray that the House be moved to have it brought in."

Another Member said, "Sir, as we are sick of complicated diseases, though all have their original from one cause, seeing we cannot be permitted to cure that cause, we must think of many remedies to cure the many evils that sprout from it. The banishing of the Papists alone will not do it. And I am not willing to pass any judgment on the Association Bill before I see it. But, Sir, what fruit can you expect from your laws, unless you can secure good Judges in *Westminster-Hall*, and good men in commission in all other places.

"Sir, I have read in Scripture, *What King going to make war against another, sitteth not down first, and consulteth whether he be able with ten thousand to meet him that cometh against him with twenty?* I take the denial of the Bill of Exclusion to be a plain demonstration; that the Popish party should not be deprived of a right to govern us; and it is not to be doubted, that having that right, they will be sure to make use of all the power they can back it with. That we may be the better able to judge, whether we can fortify ourselves sufficiently against such a right, and the power that

that will naturally follow it, I pray, Sir, let us follow our Saviour's advice, and consult, *whether with ten thousand we can meet twenty thousand.*

“As to *Scotland*, it is now quite altered by some Acts, made within a few years, infomuch, that the Government is become very near arbitrary, Parliaments in a manner laid aside, and the power invested in a Privy Council? And is there not a standing army of twenty two thousand men, settled by Act of Parliament, with a declaration, that they shall be ready to come into *England* upon any occasion? And is not the Duke now there, managing the Government of that Kingdom, and army too, by putting his own creatures into the Council and into the command of the army, and using all other ways imaginable to improve his interest there?”

Here this important Debate ended, without coming to such a resolution as many expected; and then the House adjourned.

On the 4th of *January* the King sent a Message to the House.

On the 7th it was read, which follows:

“His Majesty received the Address of this House with all the disposition they could wish to comply with their reasonable desires; but upon perusing it, he is sorry to see their thoughts so wholly fixed upon the Bill of Exclusion, as to determine that all other remedies for the suppressing of Popery will be ineffectual: His Majesty is confirmed in his opinion against that Bill, by the judgment of the House of Lords, who rejected it. He therefore thinks there remains nothing more for him to say, in answer to the Address of this House, but to recommend to them the consideration of all other means for the preservation of the Protestant Religion, in which they have no reason to doubt of his concurrence, whenever they shall be presented to him in a parliamentary way: And that they would consider the present state of the kingdom,

kingdom, as well as the condition of *Cbristendom*, in such a manner as may enable him to preserve *Tangier*, and secure his alliances abroad, and the peace and settlement at home."

Upon reading this message another debate arose, which was opened by Lord *Cavendish*, who said: "Sir, I am fully persuaded, that we cannot be perfectly secure either of our religion, peace, or quietness, without *this Bill*; yet, seeing we are not like to have it at this time, I am for going on with those other Bills that are a-foot; that we may try if we can get them. Seeing we cannot do all the good we would, let us endeavour to do all the good we can. And for my own part, I am ready to agree in the Vote that was proposed, "That it is the opinion of this House, that neither the King's Person, nor Protestant Religion, can be secured any other way," provided it be not intended to bind the House from trying what may be done by other Laws; lest advantage should be taken thereof to break this Parliament, which I tremble to think of, because it will be attended with a great ruin to our affairs both abroad and at home."

Mr. *Hampden*. "Sir, his Majesty is pleased to say, in his message, that he is confirmed in his opinion against the Exclusion Bill, by the judgment of the House of Lords; and that he is sorry to see that this House hath such an opinion of it, as to conclude all other ways and means insufficient. He is also pleased to say, that we have no reason to doubt his concurrence in any other means that shall tend to the preservation of the Protestant Religion, when presented to him in a parliamentary way; which I do not doubt but he will comply with, whenever he shall be pleased to follow the dictates of his own judgment. But so long as there are so many persons about him, who have publickly declared for the Duke's interest, we have good reason to doubt that we shall hardly obtain any thing for the security of the Protestant Religion:
And

And therefore, seeing we are not like to do any thing by Bill, that those that sent us here may see we have done what we can, let us make such Votes as may be serviceable to our country, viz. " 1. *That neither the King's Person, nor Protestant Religion, can be secured any way without the Exclusion Bill.* 2. *That we can give no money without endangering the King's Person and Protestant Religion, until we have that Bill.* And 3. *That seeing Supplies for all public money ought to come from this House, there being no other way to secure the King with the love of his people as well as with money, let us pass a Vote to prevent anticipations on the Revenue and other supplies; and because, I believe, things are come to a point, and there are those who have advised the dissolution of this Parliament, and as I am convinced the nation can never be happy as long as we have such Counsellors, let us, while we may, pass our censures on such persons; for only God knows when we shall be permitted to sit here again."*

After these, and other speeches, the House resolved as follows, viz.

1. *That it is the opinion of this House, that there is no security nor safety for the protestant religion, the King's life, nor government of this nation, without passing a Bill for disabling James Duke of York to inherit the imperial Crown of this realm, and dominions and territories thereunto belonging; and to rely upon any other means and remedies without such a Bill, is not only insufficient, but dangerous.*

2. *That his Majesty, in his last Message, having assured to this House his readiness to concur in all other means for the preservation of the protestant religion, this House doth declare, that until a Bill be likewise passed for excluding the Duke of York, this House cannot give any Supply to his Majesty, without danger to his Majesty's person, extreme hazard of the protestant religion, and unfaithfulness to those by whom this House is intrusted.*

3. *That*

3. *That whoever shall hereafter lend, or cause to be lent, by way of advance, any money upon the branches of the King's revenue arising by Custom, Excise, or Hearth-money, shall be judged a binder of the sitting of Parliaments, and be responsible for the same in Parliament.*

4. *That whosoever shall accept or buy any tally, or anticipation upon any part of the King's revenue, or whoever shall pay such tally hereafter to be struck, shall be adjudged to binder the sitting of Parliaments, and be responsible therefore in Parliament.*

5. *That whosoever advised the King to prorogue this Parliament to any other purpose than in order to the passing of a Bill of Exclusion of James Duke of York, is a betrayer of the King, the Protestant Religion, and of the kingdom of England, and a promoter of the French interest, and a pensioner to France.*

6. *That it is the opinion of this House, that the city of London was burnt, in the year 1666, by the Papists; designing thereby to introduce arbitrary Power and Popery into this kingdom.*

7. *That it is the opinion of this House, that James Duke of Monmouth hath been removed from his offices and commands, by the influence of James Duke of York.*

Ordered, That an humble application be made to his Majesty, to desire him to restore the said James Duke of Monmouth to his said offices and commands. [It seems, the Duke was now returned to England.]

8. *That it is the opinion of this House, that the prosecution of Protestant Dissenters upon the penal Laws, is at this time grievous to the subject, a weakening of the Protestant interest, an encouragement to Popery, and dangerous to the peace of the kingdom.*

The Editor of Grey's Debates says, "Tho' the King came privately to the House this day, (the 10th of January,) the Commons had a quarter of an hour's previous notice. While the last Vote was yet passing, the Usher of the Black Rod came to the door, and

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ordered

ordered their attendance in the House of Lords, which they obeyed. The King passed such Bills as he thought proper, and the Lord Chancellor prorogued the Parliament, &c. The Bill to repeal the persecuting Laws, 35 *Eliz.* by a Court juggle, or, as some say, by the express command of his Majesty to the Clerk of the House, was not presented for the Royal Assent; so the Non-conformists had no more than the bare opinion of the Commons, to shelter them from the indignation of the Crown." This refusal fully shewed, that the King was determined not to do any thing in favour of the Dissenters, since so much had been attempted to be done against Popery.

Every one, who is sensible of our present happiness, will not only pardon, but, as we are persuaded, read with pleasure, the minute detail we have been giving of the Debates on so interesting a subject, and admire the firmness and intrepidity of those who made so noble a stand in defence of the liberties of their country. Nor can we avoid taking notice, that as the brave Lord *Cavendish* was one of the first, so was he among the last, who most vigorously exerted themselves on this occasion, and that no one exposed himself more to the resentment of the Ministry. In short, what the House had been further doing of, since the throwing out of the Bill of Exclusion, gave such umbrage to the Court, that the King, finding how impracticable it was to bring the Commons into his measures, and that no money was to be got from them without his consenting to exclude his Brother, or something to answer the same end, took the most unpopular expedient he could take; this was, to prorogue the Parliament, which he did on the 10th; and, what was still worse, dissolved it on the 18th of *January* by Proclamation.

1681. The reader has heard how abruptly the King prorogued and dissolved the Great Council of the Nation, the majority of which fully shewed they
were

were zealously attached, at all events, to preserve the Protestant Religion and the independency of that August Assembly from all encroachments whatever; yet his Majesty had no sooner parted with them, than he gave directions for calling a new Parliament to meet at *Oxford**, in order to try whether he could not prevail on a future House of Commons to do what the last had denied him; yet he was now firmly resolved, tho' before he had at times been somewhat wavering in the matter, not to consent, upon any consideration, to pass a Bill to *exclude his Brother from the succession to the Crown*†. In fact, thinking men, who were well acquainted with the then temper of the Court and the people, apprehended, from what they had seen and heard, that this new Parliament would have but a short continuance; and so it fell out.

Both Houses met at the place appointed on *Monday*, the 21st of *March*. The three first days were

* The Court appointing this place was by no means agreeable to many of the Members of both Houses, insomuch that great endeavours were used to have the Parliament held in the usual place, but it was refused.

† *Wellwood* says, "the King came in at first to the Bill of Exclusion, or seemed to do so; the favourite mistress was prevailed with, from secret motives and prospects of her own, to concur with others in persuading him to abandon his Brother, and, waving the Duke's right, to accept of an act of Parliament in his own favour, like that made in the reign of King *Henry VIII*, by which he should have a power invested in him to dispose of the Crown at his death, under such restrictions as should be agreed on. Whether any such act was really intended, it is hard to determine, but it is certain such an offer was made to the King, with a promise of a considerable sum of money towards the supplying his pressing wants: It is likewise certain, that the King seemed willing to accept of it, till it happened that a foreign Court, whose interest it was to support the Duke of *York*, struck up a bargain with his Majesty, to give him more money for refusing, than what had been offered him to consent to the Bill of Exclusion.

offer a great matter for your consideration to-day, but move to adjourn till to-morrow."

Another being of the same opinion, the House adjourned to the next day.

On the 25th Sir *Nicholas Carew* was the first that spoke. "I move (says he,) that a Bill may be brought in, to exclude James Duke of York."

Another Member seconded this motion, and others besides spoke in favour of it.

Upon this Colonel *Birch* said, "He was extremely glad to find that the House still continued its zeal for the preservation of the Protestant Religion; yet it is my opinion (continued he) that it cannot be preserved if we have a Popish Successor to the Crown, no more than water can be kept cold in a hot pot. But what we do I am for having it done with all the decency possible, therefore I move to appoint a day to consider of this motion."

Sir *John Ernly* observed, "That they were invited by the King's gracious Speech to consider how to preserve their Religion; this made him desire that the question might be put, for bringing in a Bill to exclude the Duke, &c."

This question was adjourned till the next day, when it was again considered, and the Bill, Sir *Nicholas Carew* moved for, was ordered to be brought in.

The next matter of consequence, which we shall here speak to, is this. A few days before the King set out for *Oxford*, one *Fitzbarris*, an *Irish* Papist, was taken up for framing a malicious and treasonable libel against the King and his whole family, so that when he was in custody, the Secretaries and some Privy Counsellors were sent to examine him; to whom, instead of speaking particularly relating to the libel, he gave a long relation of a formed design to kill the King, in which the Duke was charged to have

have been concerned, with many other particulars which need not be repeated, it being all fiction.

The discoveries he had made being laid before the House of Commons, they at last, after examining into the whole affair, resolved, "That *Fitzbarris* should be impeached of High Treason (in the name of the Commons of *England*, &c.) and that Mr. Secretary *Jenkins* should, the next morning, go up and impeach him at the Bar of the House of Lords accordingly." *Jenkins*, upon hearing this order, declared, "That the sending him up with an Impeachment reflected upon the King, who was his Master, and therefore he would not go on the message." He had no sooner uttered these words, when a great cry was made, "*To the Bar! To the Bar!*" But it is here to be observed, to the honour of my Lord *Cavendish*, that whatever zeal he expressed in the warmest and most interesting debates, it was always tempered with candour. Of this we have a striking instance in *Jenkins's* case, whose refusal to carry the message to the Lords was so far resented by the House, that many were for instantly hurrying him to the Bar, had not his Lordship, by way of mitigation, generously taken notice, "That, tho' his refusal was a great fault, yet was it too little to occasion a breach at that time;" by which answer the Secretary was so far softened, that he said he was ready to ask pardon, and to obey their order, and the next day he carried up the Impeachment; wherewith the House was satisfied.

The Lords, when *Jenkins* impeached *Fitzbarris* at their Bar, refused to receive the impeachment, and directed that he should be proceeded against at common law. "This refusal of the Lords, (says *Burnet*,) arose from a case Lord *Nottingham* furnished them with, which was this: *Edward* the Third had got some Commoners* to be condemned by the

* The six murderers of *Edward* II.

Lords,

Lords, of which the then House of Commons complained as an infringement on their privileges. On this an order was made, *That no such thing should be done for the future.* Now as to that matter it related only to proceedings at the King's suit; but it could never be meant that an impeachment from the Commons should not lye against a Commoner. For Judges, Secretaries of State, and Lord-Keepers, have been often Commoners; so that if what had been offered was good law, here was a certain method laid down, so as to prevent the Lords being troubled any more with impeachments in respect to Commoners. In short, the real design of this impeachment was done, in hopes *Fitzbarris* would make some useful discoveries against some in power, which the Commons apprehended he could do. The Lords perceiving what was their view, thought proper not to receive the impeachment.

The Commons hearing what the Lords had determined, it occasioned a great ferment among them.

Afterwards *Sir Thomas Lee* got up and said, "I see not what farther use there is of a Parliament, if a House of Peers will be a Court and not a Court."

Sir Thomas Jones observed, "That the Lords, in refusing the Impeachment, have done a double act of injustice. Let us, therefore, (says he,) assert our right;" which they did by resolving as follows:

"*That it is the undoubted right of the Commons to impeach before the Lords in Parliament, any Peer or Commoner for high treason, or any crime or misdemeanor, and that the refusal of the Lords to proceed on such Impeachment is a denial of justice, and a violation of the constitution of Parliament.*

"2. *That such denial was an obstruction to the further discovery of the Popish Plot, and that, if any of the inferior Courts proceeded against Fitzharris, it would be a high breach of the privilege of Parliament.*"

Notwith-

Notwithstanding this last resolution, after the Parliament was dissolved he was tried upon an indictment for High Treason, found guilty, and executed at Tyburn.

But to return. After the House had come to the above resolutions, they concluded the day with ordering in two Bills, the one to *associate his Majesty's Protestant subjects*, and the other to *banish the most considerable Papists by their names*.

On Monday, March the 28th, the Bill for *excluding the Duke of York, &c.* was read the first time.

Sir *Leoline Jenkins* declared, "This Bill is very extraordinary; I believe there was never the like before in Parliament. No Bill (says he) was ever offered in this House, so much against the justice of the nation; for it is against our Religion, against the Government, and wisdom of our country, and he hoped it would be thrown out."

Mr. *Bennet* jeeringly replied; "*Jenkins* moves to throw out this Bill, and that he might be patiently heard. Nobody, it seems, seconds him; therefore, pray let him go on."

The Bill was ordered to be read a second time, in a full House, the next day.

But just as the Commons were going to rise, the Black Rod knocked at the door, and gave notice, "That the King commanded the attendance of the House immediately in the House of Peers." The Commons no sooner presented themselves at the Lords Bar, than his Majesty expressed himself to this effect: "That he perceived there were heats between the two Houses *," (*meaning that relating to the Lords*

* *Ferguson* gives this reason for this sudden dissolution of the Parliament: "That the Court had received intelligence that *Fitzbarris's* wife and maid were come to *Oxford*, in order to discover what they knew. This made the Court resolve to put a stop to the career of the Commons. Early on Monday morning the King dissolved them, which was agreed on late the night before in the Cabinet Council at *Oxford*."

rejecting Fitzharris's impeachment,) and that from such a beginning nothing good could be expected, and that therefore he thought fit to dissolve them."

Burnet tells us, "That by the steps which the Commons had already taken, the King saw what might be expected from them; so that made him very suddenly, tho' not very decently, go to the House of Lords, the Crown being carried in a sedan chair, and he put on his robes in a hurry, without any previous notice, and called up the Commons and dissolved the Parliament; and afterwards went with such haste to *Windsor*, that it looked as if he was afraid of the crowds that this meeting had brought to *Oxford*."

Mr. North, in his *Examen*, gives the following detail both of the cause and manner of this extraordinary event: "The Commons complained that the Convocation-house was too strait for them to sit and transact business in, and at their request orders were given for the immediate fitting up the Theatre for their use. The King concerned himself much about the disposition of it, viewed the design, and gave his judgment; and came in person among the workmen, and particularly, on the 26th of *March*, I had the honour of seeing him there, and observed his taking notice of every thing. On the next day, being *Sunday*, his Majesty was pleased, especially towards the evening, to entertain himself and his Court with discourses of the wonderful accommodation the House of Commons would find in that place; and by his observations and descriptions shewed how it was to be. All this while the spies and eves-droppers could find no symptoms of a dissolution, rather the contrary, that the Parliament was likely to make a long session of it. The next morning, which was *Monday*, the King came to the House of Lords, as he was wont, in a chair, followed by another with the curtains drawn; but instead of a Lord that was thought

thought to be in it, there were only the King's robes. Thus they went and were set down in a withdrawing room. *When the Robe-chair was opened, a gross mistake appeared, for the Garter Robes were put in instead of the Robes of State;* so the chair must go back, with an Officer, to bring the right. A Lord happened to be in the room, who, upon this discovery, was stepping out (as they thought) to give the alarm. Those with the King prevailed on him to confine his Lordship in the room till the chair returned, and matters were settled, and then he had his liberty."

The King soon after published a Declaration, wherein he assigns reasons for having so suddenly dissolved his Parliament; which was answered, as some say, by the late Lord *Somers*, and was esteemed such a masterly piece, that it laid the foundation of his future rise in the world. However, the Court looked upon the Declaration to be of so much consequence, that it was by order read in all churches and chapels throughout *England*.

As we shall hear no more Debates on this important subject, (the Bill of Exclusion,) nor indeed of any other Parliament meeting during the remainder of King *Charles's* reign, the task we have undertaken naturally leads us to review what had been said for and against the Bill, and at this distance of time to give our sentiments here of the different fate which the Bill of Exclusion met with in both Houses, and what might have been the consequences had it passed into a Law.

We have seen that it passed thro' the House of Commons by a great majority, but was thrown out by the House of Lords; from whence some at that period (as has been already said) inferred, that the latter shewed much less regard for the Protestant Religion, and the liberties of the subject, than the former, and have (in their heat, before they coolly considered matters) made severe reflexions on the

Bench of Bishops, "who (say they) were more particularly obliged than others to vote for it." But the injustice of this censure will appear, from the undaunted courage wherewith they exerted themselves in the succeeding reign, when Popery not only spread itself every where, but met with such countenance at Court, as to set the Constitution at open defiance. Neither flatteries could allure, nor menaces deter them from defending the established Religion against the incessant attacks of a swarm of Priests and Jesuits, whose subtilty and effrontery were doubly animated by the royal munificence. In short, no age nor language can produce such a number of learned and spirited tracts as were then published, setting forth, by invincible arguments, the dangerous tendency of Popery, to the great mortification of its hireling champions."

What then could have induced the Lords, whether spiritual or temporal, to oppose a Bill, in passing of which one part of the Legislature had shewn themselves so sanguine, and on whose success the welfare seemed to depend? The reason, as we apprehend, is obvious. The Lords, no doubt, reflected on the endless disorders and confusion which might arise from altering the lineal succession; that, in all probability, it might bring back again all the horrors of a civil-war, which were still fresh in their memories; that it was easy to foresee, had the Bill taken place, it would have been attended with almost insurmountable difficulties. For, in the first place, by the limitation proposed, the Crown would have devolved, at King *Charles's* decease, on the Duke of *York's* eldest daughter; but then, if he should have a son in the interim, as we find he is said to have had about eight years after, in this case, the Crown must, by natural right, have reverted to that son, as heir male. Now supposing the Princess of *Orange* to be put in possession immediately on
the

the King's death, pursuant to the said limitation; to say nothing of the improbability of her quitting the Royal authority she had been invested with, except it were by force of arms, it may easily be perceived, what an handle the Papists in general, and many well-meaning Protestants also, might have made, with some colour of reason and justice, at seeing the heir male, who could not be charged with any crime against the State, thus arbitrarily excluded from a Throne, which he had done nothing to forfeit.

On the other hand, if such a son should have been named first in the succession, and even supposing proper measures taken to bring him up a Protestant, yet the father would probably have retained the power, and, considering his extreme bigotry and blind attachment to the restless emissaries of *Rome*, would have found ways and means to pervert the son to his own principles.

Not to derogate, therefore, from the glory which is due to either of the Houses, it may be justly said, that the behaviour of both, tho' so widely different, tended to the same end. There was, indeed, more warmth in the one, but no less patriotism in the coolness of the other*. The numberless calamities that ensued from the contentions between the two houses of *York* and *Lancaster*, and the more recent disorders of the late Usurpation, were sufficient to convince every thinking man, that even tyranny itself is preferable to anarchy, and the horrors of a Civil War. When every circumstance therefore is

* For tho' the Lords threw it out, the day it was brought up, as we have mentioned in the proceedings of the Parliament held in 1680, yet there is no doubt but the matter was well considered by them before that time, especially by the Bishops, as to the ill consequences that might follow from passing such a Bill; and that very probably made them, as well as the arguments they had heard from the opposers of the Bill, join late in the evening of that remarkable day in throwing it out.

maturely

maturely weighed, it must be allowed, that it was happy for the people of this land, that neither the exclusion nor limitation took place, and that King *James* was suffered by divine providence to sit for a while on the Throne of his ancestors, to convince the Nation more effectually what they are to expect from a Prince of his turn of mind, and to take such expedients as may prevent his Successors from acting in the same violent and arbitrary manner.

Our forefathers had already made one trial of the same kind, a little after the Reformation, and dearly paid for it. This, one would think, was a sufficient warning to posterity: However, it may be said in the present case, that, as we are all naturally inclined to hope for what we earnestly wish, King *James's* own interest, to say nothing of his Coronation-Oath, might have induced him to keep some measures with his people. To have excluded him, therefore, before a trial, might have only served to strengthen his party, to raise the indignation of foreign Princes, and to justify any attempts he might make to seize on the Crown. In short, we made a second trial, and found, by dear-bought experience, that, as Popery can no more change its nature than the leopard its spots, so it is the height of folly and madness to intrust our Religion and Liberties in the hands of a Popish Prince; so that, after two such fair warnings, it is to be hoped we shall never be so infatuated as to make a third trial.

The Patriots both among the Lords and Commons were equally disappointed, the one at seeing a Bill thrown out, on which they had so much set their hearts, the other in finding their hopes totally frustrated.

Had *James* never known what it was to reign, how many would have been apt to say, that he had been hardly treated, and perhaps he might have made a good King, notwithstanding his religion; but

but so ill-fated was he, that he seems to have mounted a throne to no other purpose, but just to let the world see, that he was unworthy to sit on it, and to convince the Lords as well as Commons of the necessity of uniting their endeavours to secure the Constitution against his attempts, by taking the sole expedient that Providence now pointed out to them, which we find those who were against the Bill of Exclusion came as heartily into, as those who were most strenuous for it.

In a word, the King, from the moment after the dissolution of this Parliament, altered his conduct, and carried his Prerogative to the utmost stretch during the remainder of his life; by which means he at last near completed his favourite scheme, which he had in view for so many years.

1682. At the end of the last session of Parliament great pains were taken to decry the Popish Plot, and throw it upon the Protestants. *Burnet* speaks of one ill-contrived Plot against the Protestants to the following effect:

“ One *Dangerfield*, (says he) a subtle dextrous man, who had gone thro’ all the shapes and practices of roguery, such as being a false coiner, undertook to coin a plot to answer the ends of the Papists. He was in jail for debt, and was in an ill intrigue with one *Cellier*, a Popish midwife, who had a great share of wit, and was abandoned to lewdness. She got him to be brought out of prison and carried to the Countess of *Powis*, a zealous managing Papist, and, after they (*Dangerfield* and *Cellier*) had consulted matters with her, he went into all companies and mixed with the hottest men of the town, and studied to engage others with himself, to swear, that they had been invited to accept of a Commission, and that a new form of Government was to be set up, and that the King and the Royal Family were to be sent away.”

It

It is here to be observed, that the Duke of York returned in *March* from *Scotland**, and was extremely well received by the King, who instantly placed him at the head of the Council, and, what was more, the King did nothing material without his advice.

This *Dangerfield* having thus far discovered his new plot, which at length obtained the title of *The Meal tub Plot*, was now introduced to the Duke of York, and next to the King himself; where he was not only well received, but his discoveries were so much approved of, that, as a reward for what he had done, a weekly allowance of money was settled on him. Afterwards it was whispered about town, that *Dangerfield* had made some new discoveries concerning this plot; so that *Dangerfield*, finding his actions hitherto gained him great credit at Court, he proceeded farther to carry into execution another part of the schemes he had projected. It seems he had had formerly a correspondence with one Colonel *Mansel*, an active busy man, and that put him upon getting forged a parcel of seditious but ill contrived letters, which he bundled up into a parcel, and secretly laid them in a dark corner of the Colonel's room. This being formed, some Custom-house Officers were immediately set on to search this room for prohibited goods, which they had intelligence lay hid there: In fact, there were no such goods to be met with, but these letters; which, when found, they were openly carried to the Secretary of State's Office; that of course made a great noise in the world, it being again given out, that some grand discoveries would be made therefrom. But, what is very strange, tho' it is very true, upon looking

* The Duke returned by sea. The yacht in which he was on board of, stranded on a sand, and he with difficulty saved himself, by getting on board another; yet the crew of that which he had quitted perished, and with them many persons of Distinction.

carefully into these letters, they appeared to be counterfeited, and the forger of them being suspected, we mean *Dangerfield*, a strict search was made in all his hiding places, and in one of them the searchers found papers which evidently shewed that the whole Plot was nothing more than a mere fiction.

When this forgery of *Dangerfield's* appeared obvious to every discerning eye, he was committed to prison, where he soon after confessed how the whole matter was laid and managed. Upon this *Burnet* observes; "It is very probable, that in his confession he mixed much of his own invention with truth, for he was a profligate liar. So that, in short, *he at last was a great disgrace to the Popish party, and the King suffered greatly by the countenance he had given him.*"

As we have done with this sham Plot, we shall next attend to another, that some time after broke out, which also made a very great noise in the world; and this was by some stiled *the Protestant*, and by others *the Rye-house Plot*; which last name it generally went by, upon account of a farm-house so called, that lay within two miles of *Hoddesdon* in *Hertfordshire*, and was the place, as one of the conspirators afterwards declared, where they generally met. The first discoverer of this plot was one *Keeling*; the full particulars whereof were not at first published, but only whispered about town.

In the mean time, whilst these and other matters were variously discoursed of, my Lord *Cavendish* still continued to act with the same unshaken firmness and intrepidity as before; and as he was conscious of his own virtue, he now appeared at Court with such an air of assurance as became his integrity, and this he never discontinued till he was forbid to come.

Dryden, in his before-mentioned excellent piece, after having enumerated the characters of several who had opposed the schemes of the Court, next relates the treatment the King, as well as the Duke, had

met with from those who opposed their measures, and of the former's resolution of ruling his people in a quite different manner from what he had hitherto done. Some of these interesting matters, among other particulars which he mentions concerning the Duke of *Monmouth*, he introduces as follows :

“ A num'rous faction with pretended frights,
In Sanhedrins to plume the regal rights,
The true Successor from the Court remov'd :
The Plot, by hireling witnesses, improv'd.
These ills they saw, and, as their duty bound,
They shew'd the King the danger of the wound ;
That no concessions from the Throne would please,
But lenitives fomented the disease :
That *Absalom*, ambitious of the Crown,
Was made the lure to draw the people down :
That false *Achitophel*'s pernicious hate
Had turn'd the Plot to ruin Church and State :
The Council violent, the rabble worse :
That *Shimei* taught *Jerusalem* to curse.

With all these loads of injuries oppress'd,
And long revolving in his careful breast
Th' event of things ; at last, his patience tir'd,
Thus, from his royal throne, by Heav'n inspir'd,
The god-like *David* spoke ; with awful fear
His train their Maker in their master hear.

* “ Thus long have I by native mercy sway'd,
“ My wrongs dissembled, my revenge delay'd :
“ So willing to forgive th' offending age ;
“ So much the Father did the King assuage.
“ But now so far my clemency they flight,
“ Th' offenders question my forgiving right.
“ That one was made for many, they contend ;
“ But 'tis to rule, for that's a Monarch's end.
“ They call my tendernefs of blood, my fear :
“ Though manly tempers can the longest bear.
“ Yet, since they will divert my native course,
“ 'Tis time to shew I am not good by force.
“ Those heap'd affronts, that haughty subjects bring,
“ Are burthens for a camel, not a King :

* These lines which are distinguished by the Comma's, are time-serving lines indeed !

“ Kings

"Kings are the publick pillars of the state,
 "Born to sustain and prop the nation's weight :"
 If my young *Sampson* will pretend a call
 To shake the column, let him share the fall :
 But oh, that yet he would repent and live !
 How easy 'tis for Parents to forgive !
 With how few tears a pardon might be won
 From Nature, pleading for a darling son !
 Poor, pitied youth, by my parental care
 Rais'd up to all the height his frame could bear :
 Had God ordain'd his fate for empire born,
 He would have giv'n his soul another turn :
 Gull'd with a Patriot's name, whose modern sense
 Is one that would by law supplant his Prince :
 The People's brave, the Politician's tool ;
 Never was Patriot yet, but was a fool.
 Whence comes it, that Religion and the Laws
 Should more be *Abfalom's* than *David's* cause ?
 His old instructor, ere he lost his place,
 Was never thought endu'd with so much grace †.

Good

† As the Duke of *York* was now at the head of the Ministry, *Monmouth* was publicly disgraced. *Welwood*, speaking of the latter, says, " This Gentleman stood possessed of all the qualities requisite to gain the love of the people, and stir up the jealousy of the Duke of *York*. King *Charles* had heaped honours upon *Monmouth*, and nothing pleased him so much as to see him great. He had been sent to *Scotland* in the year 1679, to suppress an insurrection which the severity of *Lauderdale's* administration had occasioned ; where his lenity towards a people made by oppression mad, gained him the ill-will of a predominant party at Court. The zeal he shewed some time after in the prosecution of the Popish Plot, and his friendships with some that were professed enemies to the Duke, concurred to his fall. Yet King *Charles* still continued underhand the same tenderness for him, tho' he was declared in public to be in disgrace ; the Duke's faction at home, and a foreign interest abroad, were too powerful for King *Charles* to grapple with, even tho' the fortune of a favourite son was at stake."

In short, he was at one time so great a favourite, that he was stiled in Commissions signed by the King himself, *his dear and entirely beloved son*. This my Lord *Cavendish*, tho' he acted so steadily for the Bill of Exclusion, found fault with, in the House of Commons, and publicly declared, that notwithstanding

Good Heav'ns, how Faction can a Patriot paint !
 My rebel ever proves my People's saint :
 Would *they* impose an Heir upon the Throne ?
 Let Sanhedrins be taught to give their own.
 A King's at least a part of government ;
 And mine as requisite as their consent :
 Without my leave a future King to choose,
 Infers a right the present to depose :
 True, they petition me t' approve their choice :
 But *Esau's* hands suit ill with *Jacob's* voice.
 My pious subjects for my safety pray,
 Which to secure, they take my pow'r away.
 From plots and treasons Heav'n preserve my years,
 But save me most from my petitioners.

Unsatiate

standing he had a great regard for the Duke of *Monmouth*, yet he knew no *Prince of Wales*, and that no such words ought to be used in his Commissions. Sir *Thomas Littleton* also said, " That what my Lord *Cavendish* has mentioned was of great consequence, and that he was sorry to see such expressions in the Duke's Commissions ; for (continued he) we know not what after-ages may say of it." So that from this it clearly appears, that my Lord *Cavendish* did not seek to exclude the Duke of *York* from the Crown with any view to favour *Monmouth's* pretensions. And it farther appears, that the Earl no way assisted *Monmouth*, but rather declared against him, when he made the fatal attempt in the next reign, to dethrone his uncle *James II.*, upon a presumption that he was King *Charles's* son and heir. However, poor gentleman, he paid dear for the attempt, by afterwards losing his head upon a scaffold on *Tower-hill*.

But to return : The Duke of *Monmouth* being included in the Proclamation which we shall soon mention in the text, relating to the *Rye-house Plot*, lay concealed for some time, but at last found means to appease the King by his submission, and received a pardon ; but this was not granted him, till he had signed a Recantation of his errors, which he heard was privately handed about. This made him repent of what he had done ; he went to Court and demanded the delivering up to him the Recantation ; which was not only denied, but his demand was so far resented, that he was banished the King's presence. Upon this the Duke retired to the Prince of *Orange's* Court, where he was well received. However, it is said that his Majesty, notwithstanding he had thus banished his favourite son from his presence, kept up a secret correspondence with him to the last.

Unfatiate as the barren womb or grave;
 God cannot grant so much as they can crave.
 What then is left, but with a jealous eye
 To guard the small remains of royalty?
 The law shall still direct my peaceful sway,
 And the same law teach rebels to obey:
 Votes shall no more establish'd pow'r controul,
 Such votes as make a part exceed the whole:
 No groundless clamours shall my friends remove,
 Nor crouds have pow'r to punish e'er they prove:
 For Gods, and god-like Kings their care expresses,
 Still to defend their servants in distress.
 Oh, that my pow'r to saving were confin'd!
 Why am I forc'd, like Heav'n, against my mind,
 To make examples of another kind? }
 Must I at length the sword of justice draw?
 Oh, curs'd effects of necessary law!
 How ill my fear they by my mercy scan,
 Beware the fury of a patient man.
 Law they require, let law then shew her face;
 They could not be content to look on grace
 Her hinder parts, but with a daring eye
 To tempt the terror of her front, and dye;
 By their own arts, 'tis righteously decreed,
 Those dire artificers of death shall bleed.
 Against themselves their witnesses will swear,
 Till, viper-like, their mother-plot they tear:
 And suck for nutriment that bloody gore
 Which was their principle of life before.
 Their *Belial* with their *Beelzebub* will fight;
 Thus on my foes, my foes shall do me right:
 Nor doubt th' event: for factious crouds engage
 In their first onset, all their brutal rage.
 Then let 'em take an unresisted course:
 Retire and traverse, and delude their force:
 But when they stand all breathless, urge the fight,
 And rise upon 'em with redoubled might:
 For lawful power is still superior found,
 When long driven back, at length it stands the ground.
 He said. Th' Almighty nodding gave consent,
 And peals of thunder shook the firmament.
 Henceforth a series of new time began,
 The mighty years in long procession ran:
 Once more the god-like *David* was restor'd,
 And willing nations knew their lawful Lord."

What

What *Dryden* had here let the people know, as to what they were to expect from the government in futurity, soon appeared, from the King's actions, to be truth. In short, it would make one, upon reading the foregoing lines at this time of day, to fancy, that the Poet had received full intimation of the views and designs of the Court, at the time he wrote them. For before the expiration of this year, those who had made so formidable a figure in Parliament, in opposition to the Duke's interest, began to feel the weight of the Court's resentment. The Earl of *Shaftesbury* was sent to the *Tower*, upon a charge of High Treason; and soon after a Bill of Indictment for that offence was preferred against him to the Grand Jury in *London*; and more than ordinary pains were taken by the Ministry to prevail on the Jury (who were some of the most considerable Merchants in the City) to find the Bill; but, contrary to their expectation, as well as great disappointment, it was returned *Ignoramus* *. Upon

* A Medal was struck on this victory, as it was called, on the Earl's side. On one side is the Earl's head and titles; on the reverse, the Sun breaking thro' a cloud, and shining on the city of *London*. The striking this Medal was so displeasing to the Court, that they caused their Poet *Dryden* to write on that account, a satyrical *Poem*, called *The Medal*. Some of the bitterest lines follow:

A beardless Chief, a rebel, e'er a man :
 (So young his hatred to his Prince began.)
 Next this (how wildly will Ambition steer !)
 A vermin, wriggling in th' Usurper's ear.
 Bart'ring his venal wit for sums of gold,
 He cast himself into the saint-like mould ;
 Groan'd, sigh'd, and pray'd, while Godliness was gain ;
 The loudest bagpipe of the squeaking train.
 Pow'r was his aim ; but, thrown from that pretence, }
 The wretch turn'd loyal in his own defence ; }
 And malice reconcil'd him to his Prince.
 Him in the anguish of his soul he serv'd ;
 Rewarded faster still than he deserv'd.
 Behold him now exalted into trust ;
 His counsels oft convenient, seldom just :

this the Earl was discharged out of the Tower ; but not thinking himself safe in *England*, he retired into *Holland*, where he soon after died.

“ His end (says *Hume*) gave neither sorrow to his friends, nor joy to his enemies. His furious temper, notwithstanding his capacity, had done great injury to the cause in which he was engaged. The violence and iniquity which he suggested and encouraged, were greater than even faction itself could endure ; and men could not forbear sometimes remembering, that the same person who was become so zealous a patriot, was once a most prostitute courtier. It is remarkable, that this man, whose principles and conduct were, in all other respects, so exceptionable, proved an excellent Chancellor ; and that all his Decrees, while he possessed that eminent office, were equally remarkable both for justness and for integrity. So difficult is it to find in history a character either wholly bad or perfectly good.” This last appears to us no more than a common-place observation ; for we

Ev'n in the most sincere advice he gave,
 He had a grudging still to be a knave.
 His frauds he learnt in his fanatic years,
 Made him uneasy in his lawful gears.
Athens, no doubt did righteously decide
 When *Phocion* and when *Socrates* were try'd ;
 As righteously they did those dooms repent,
 Still they were wise, whatever way they went.
 Crowds err not, tho' to both extremes they run ;
 To kill the Father, and recall the Son.
 That Kings can do no wrong we must believe :
 None can they do, and must they all receive ?
 Help Heav'n ! or sadly we shall see an hour,
 When neither wrong nor right are in their pow'r !
 Already they have lost their best defence,
 The benefit of Laws which they dispence :
 No justice to their righteous cause allow'd,
 But baffled by an arbitrary crowd ;
 And Medals grav'd, their conquest to record
 The stamp and coin of their adopted Lord.
London, thou great Emporium of our Isle,
 O, thou too bounteous, thou too fruitful Nile,

How

would be glad to know, whether any man ever yet lived without being guilty of some offence or other.

As we have, in the last note, spoke of *Dryden's* satyrical piece, it leads us now to observe, that in the character he has drawn of the Earl, tho' it is chiefly composed of severe reflexions, even there a discerning reader will, upon carefully perusing the poetical lines, perceive that *Dryden* himself agrees, that *Shaftesbury* was possessed of some great and masterly abilities; and if he did not always, as he ought to have done, apply them to the true interest of his King and country, it was certainly a fault. In fact, the writers, both of his own time and since, have fully laid open his bad actions to public view; yet none have done it, we were going to say, in more malicious terms than *Dryden*. In short, the principal reason that prevailed upon us to bring the under lines forward was, that the reader might again see the spirit that reigned among the Court hirelings the latter end of King

Charles's

How shall I praise, or curse to thy desert!
 Or separate thy sound, from thy corrupted part!
 I call'd thee *Nile*; the parallel will stand:
 Thy tides of wealth o'erflow the fatten'd land;
 Yet monsters from thy large increase we find,
 Engender'd on the slime thou leav'st behind.
 Sedition has not wholly seiz'd on thee;
 Thy nobler parts are from infection free.

But thou, the pander of the people's hearts,
 (O crooked soul, and serpentine in arts,) }
 Whose blandishments a loyal land have whor'd,
 And broke the bonds she plighted to her Lord;
 What curses on thy blasted name will fall!
 Which age to age their legacy shall call,
 For all must curse the woes that must descend on all.

Without a vision Poets can foreshow,
 What all but fools by common sense may know:
 If true Succession from our Isle should fail,
 And crowds profane, with impious arms prevail,
 Not thou, nor those thy factious arts engage }
 Shall reap the harvest of rebellious rage,
 With which thou flatter'st thy decrepit age.

Charles's time ; tho' it has been confidently averred, they received very small wages.

But to return : The next the Court thought proper to attack was a petty mechanic, of no parts, but of a daring spirit, and had made a great bustle in opposition to the Popish Party, and by that means he was by them called *the Protestant Joyner*. This man, it seems, followed the last Parliament to *Oxford*, and talked much of the Bill of Exclusion, in which it is said he used some unguarded expressions, which were afterwards construed to be so criminal, that, for these and other charges, he was indicted for High Treason, tried at *Oxford*, found guilty, and executed. In short, his enemies pursued him with so much bitterness, that upon his trial they took the papers from him, which he intended to have used in his defence. Some of the writers of that time say, *he was talked to death* ; however, he died composed, and with great resolution.

The next step the Court took was of another kind ; for now they found means to gain the Magistracy of the City of *London* over to their interest. This appeared by Sir *William Pritchard's* being elected Lord Mayor, and *Rich* and *North* Sheriffs, who were all three of them zealous courtiers. This was a material point carried, upon account of the prosecutions which afterwards followed in the ensuing year.

The Ministers next pursued another project, which, if they had accomplished, they would soon have made the King master of the liberties of the nation. This was, to get into their Royal Master's hands the Charters of all the principal cities and corporate towns ; by which means the King would then have been able to secure a Parliament to his own liking. For this end he began with *London*, by issuing out a writ of *Quo warranto* *, which was obtained

* That is in the nature of an order, for the City to shew cause, by what authority they claim to be a Corporation.

at the instance of Mr. Attorney General, against the Charters of that City. The Judges, on a solemn hearing, declared the liberties and privileges they enjoyed by their Charters were forfeited into the King's hands: This matter being so determined by the Judges in *Westminster-Hall*, it came afterwards to be debated in the Common-council, whether they should submit to that determination? It was carried by a majority of eighteen votes to abide by it, and submit to the King's mercy; who was pleased, on such submission, to restore the charter, on the following conditions; to wit, "That the King should have the approving of the Lord Mayor, and all the other officers of the City, before they could be admitted to exercise their respective offices; the same regulation was made in regard to the Aldermen and the Sheriffs; and on this occasion eight Aldermen were removed, and eight others chosen in their room." By all which new regulations, the Government of the City became totally in his Majesty's power. But after the King's death the citizens had their antient Charters again restored to them; so that they now proceed in their elections in the same manner as they did before this pretended forfeiture.

The Court also, at this time, pursued the like steps as to getting the Charters belonging to other Corporations into their hands, which they effected; but they have been all since restored back to each of them. Yet, notwithstanding the success that had attended all these very extraordinary steps, the Court did not think they had strength enough to gain a majority in case the King should be inclined to call a Parliament, and that made him still continue in the same mind, as to governing without one, which enabled him still to pursue the perfecting what we have often mentioned, that of making himself absolute.

1683. We are now come to another memorable year; memorable, indeed! upon account of some of the best blood in the kingdom being spilt upon account of the *Rye-house Plot*.

The before-named *Keeling* first made a confession of this plot to Mr. Secretary *Jenkins*. The design of which was, according to his account, first to seize the guards, and secure the persons of the King and the Duke of *York*; secondly, to assassinate them in a hollow way near the *Rye-house*; and thirdly, to raise an insurrection in *London**.

Some time after the Secretary had taken the information, and laid it before the King, a Proclamation was issued for seizing the following conspirators, which *Keeling* had informed against, viz. Colonel *Rumsey*, *Richard Rumbold*, *Malster*, *Capt. Walcot*, *Richard Nelthorp*, Esq; *Richard Goodenough*, *William Thompson*, *James Burton*, and *William Hone*.

As to *Rumsey*, no sooner did he hear that a Proclamation was issued out, but he surrendered himself, and made a more full confession of what he knew concerning the plot, than the other had done. This he supported by the testimony of two persons, *West*, and one *Shepherd*, a Vintner, who lived in *Abchurch-lane*, *London*; it was there, as

* *Keeling* had got his brother *John* to be at one of the meetings, in which they both turned joint evidence. As to *Keeling*, he was an *Anabaptist*, and was, as he alledged, first let into the knowledge of this plot by the means of one *Goodenough*, a busy man, and well known in those days; no less a pen than Doctor *Sprat* (afterwards Bishop of *Rocheſter*) was employed, at the instance of the Duke of *York*, to draw up a minute account, taken from the evidence of the witnesses, as well as the confessions of the parties executed, for being concerned in the plot; all which are, in this work, laid open, and much aggravated, and were collected together in the beginning of the reign of King *James II.* and published in a pompous folio volume, by his royal command: In short, now-a-days very little or no regard is paid to that elaborate performance.

Rumsey alledged, that the Duke of *Monmouth*, Lord *Russel*, and others met.

The Court, upon receiving this information, issued a second Proclamation for apprehending the Duke of *Monmouth*, the Lord *Grey*, Sir *Thomas Armstrong*, and one *Ferguson*; but my Lord *Russel's* name was not mentioned therein. Soon after Lord *Howard* surrendered himself, and made another information, when warrants were issued against the Earl of *Essex* and Lord *Russel*, who were both apprehended, and committed to the *Tower*.

Now let us hear what Dr. *Kennet* says to this matter: "Those at the helm found means (says he) to call the chief Members of the late Houses into question, for their liberties, and very lives. The Duke of *Monmouth*, Earls of *Shaftsbury** and *Essex*, Lord *Russel*, Colonel *Sidney*, and others. The Lord *Cavendish* was thought as obnoxious as any, and did not decline the meeting with those patriots, while nothing was proposed but what was honourable and just. But in some one assignation, he is said to have condemned a bold overture that was then made, and to have declared, with great earnestness, when he came back, that he would never go more
amongst

* The Earl of *Shaftsbury's* father was Sir *John Cooper*, by *Anne*, daughter and sole-heiress of Sir *Anthony Ashley*, Bart. from whom he inherited an estate of 8000l. a year, and all the influence that arose from such a fortune, and the credit of his ancestors in the West of *England*, which were very considerable. The Earl was born at *Winborne St. Giles*, July 22, 1621. He was well educated, and, if we may credit certain Historians, extraordinary things were predicted of him; at the age of fifteen he was sent to the University of *Oxford*, and from thence removed to *Lincoln's-Inn*, where he applied himself to the study of the law, and particularly turned his thoughts to the gaining a thorough knowledge of our constitution. He was, on the 13th of *April*, 1642, elected Burgess for *Tewkesbury*. He at first took part with the King, but afterwards went over to the Parliament side, and acted with them in several respects,
but

amongst them, not that he deserted what he thought was for the public good."

The first tried upon account of this *Rye-house* plot, were *Walcot* and *Hone*, who were found guilty of High Treason, and executed on the 20th of *July*; as was also, at the same time, one *Rouse*, who had been found guilty of the like crime.

The day after these men were tried, the Lord *Russel*, who had been likewise indicted for High Treason, was, on the 13th of *July*, arraigned upon it, at the Sessions-House in the *Old-Bailey*, before the Lord Chief Justice *Pemberton*, and eight other Judges. The indictment was laid, *for conspiring the death of the King, and the subversion of the government*. The evidence for the Crown were Colonel *Rumsey*, Mr. *Shepherd*, and the Lord *Howard*. The first deposed, "That the Lord *Shaftsbury*, in *October*, 1684, sent him to Mr. *Shepherd*'s, in *Abchurch-lane*, where were met the Duke of *Monmouth*, the Lord *Grey*, the Lord *Russel*, Sir *Thomas Armstrong*, and *Ferguson*, to enquire what resolution they had come to about the rising at *Taunton*; that the answer he received was, *Mr. Trenchard had failed them, and there could be nothing done*; and at the same time, as he deposed, there was a discourse about seizing the guards." *Shep-*

but opposed *Cromwel*, and was one of those that signed, in 1654, the famous Protestation, charging the Protector (*Cromwel*) with tyranny, &c. It is indeed true, the Protector endeavoured to gain him over to his interest, and appointed him one of his Privy-Council. When *Richard* was deposed from the Protectorship, Sir *Anthony Ashley Cooper* (for so he was then called) was appointed one of the Council of State, and greatly interested himself in bringing about the Restoration, and was also very instrumental in quashing *Lambert*'s design, which otherwise would have prevented the King's return; he was by King *Charles II.* made one of his Privy-Council, and in 1661 was created Baron *Ashley*, and afterwards Earl of *Shaftsbury*. Some of the latter steps he took in life, we have at different times related, as we proceeded in our work. See the several notes in the pages 47, 84, 85, and the last large one.

berd

berd swore to the same effect, and that the afore-said persons had two private meetings at his house, and that in one of them a kind of Declaration was read, setting forth the grievances of the nation, which, as he said, tended to raise an insurrection; but *he could not say positively, that Lord Russel was present when it was read.* The Lord Howard, at last, gave in a long testimony against my Lord Russel, the substance of which was, "That after the Earl of Shaftsbury's flight, the malecontents established a Council of six persons, viz. the Duke of Monmouth, the Earl of Essex, the Lord Russel, Colonel Sidney, Mr. Hampden, and himself, to carry on their designs. That they sent one *Smith* into Scotland to settle a correspondence with the Earl of Argyle, and that this resolution was taken at Lord Russel's house."

My Lord Russel, in his own defence, positively denied Howard's evidence. As to *Rumsey's*, he did not so clearly answer, because he could not contradict his being at *Shepherd's* house; but then he affirmed, that the reason of his being there, was only to taste some Sherry, and talk about news, and that what passed was only loose discourse, without any formed design. After this he asked of the Court, Whether a design to seize the King's guards, suppose it had been so, was Treason; and objected, that the meeting at *Shepherd's* was sworn to but by one witness. To this question it was replied, that if there was a witness of one act of Treason, another of a second, and so on, that manifested the same Treason, it was sufficient.

His Lordship next called Mr. Howard, who had known Lord Howard for many years. In the course of his evidence he said, Lord Howard had a very bad character; and that he heard him publicly declare, concerning my Lord Russel, the very reverse to what he had now sworn in Court; particularly, that that Lord had most solemnly averred, that he looked upon Lord Russel to be unjustly accused, and that he thought

thought him one of the worthiest persons in the world.

Our Lord *Cavendish* appeared as a witness for the prisoner, and deposed upon oath, *That he always thought my Lord Russel to be a man of great honour, too prudent and wary to be concerned in so desperate a design, and had expressed so ill an opinion of Rumsey, that it was not likely he would trust him with such a secret.*

After the Lord Chief Justice *Pemberton* had summed up the evidence, the Jury, to their eternal infamy, brought him in guilty of High Treason. For it is believed few or none had ever yet been condemned in *England* for words spoken in their hearing, and to which it no way appeared he had given his approbation or consent *. So that we may justly

* Mr. *Hume*, in the account he has drawn up of this matter, reasons in one part upon the Laws made concerning Treason, and then says, "That *Russel's* crime fell plainly under the statute of *Charles* the 11d. but the facts sworn to by *Rumsey* and *Shepherd* were without the six months by that law; and to the other facts *Howard* was a single witness. To make the indictment therefore more extensive, the intention of murdering the King was comprehended in it, and for proof of this intention the conspiracy for raising a Rebellion was assigned, and, what seemed to bring the matter still nearer, the design of attacking the King's guard. *Russel* perceived this irregularity, and desired to have the point argued by Council. The Chief Justice told him, that that privilege could not be granted, unless he previously confessed the facts charged upon him. The artificial confounding the two species of Treason, tho' a practice supported by many precedents, is the chief, but not the only hardship of which *Russel* had reason to complain on his trial." Yet this very Gentleman tells us, "that his defence was very feeble, and that the Jury were men of fair and irreproachable characters, but zealous Royalists." Still he forgot to tell us, that the Court had then a power over the officer that returned these zealous Royalists on this Jury, by the means we have mentioned in the text, but only says, that after a short deliberation they brought the prisoner in guilty. He has mentioned that application was made to the King to save Lord *Russel's* life, which was refused; and next gives us to understand, that the King would go no farther than to remit the most ignominious parts of the sentence, which the law requires.

" My

say, that the transaction, as it was managed, was nothing more than a base contrivance of my Lord's enemies to bring him to his end, no overt act of

"My Lord *Russel*, (says his Majesty) shall find, that I am possessed of that Prerogative which, in the case of my Lord *Stafford*, he thought fit to deny me." But where Mr. *Hume* picked up this last extraordinary piece of intelligence, I know not, nor what he means by introducing it, except he has done it to make *Russel* appear to have been very rigid against *Stafford*, when he lay in the same dismal condition as our present unfortunate Nobleman was now in. To satisfy ourselves touching the validity of what *Hume* has offered, we have looked into the Parliamentary Debates, taken by the Honourable Mr. *Grey*, who was a Member in the House of Commons, on the 21st of *December*, 1680, and took down in writing what passed when the motion made concerning Lord *Stafford's* execution, which follows; "Sir *George Treby*, Recorder of *London*, and one of the Members, moved this matter at the instance of the Sheriffs, whereby they made it a question, seeing the sentence that had been passed on the Lord *Stafford* was as usual in cases of Treason, whether they could justify the putting him to death, by cutting off his head, instead of doing what the sentence directed."

Upon this Sir *William Jones*, another Member, who was a great Lawyer, and had been once Attorney General, said, "The matter moved is of moment, and I would not huddle it up, but adjourn it till to-morrow," (as they were obliged to wait upon the King on some other business.)

The next day the Debates were reassumed. The first that spoke was Mr. Serjeant *Maynard*, who declared, "That he could not find fault with the King's mercy in remitting part of the sentence against this Lord, but (says he) this question has arisen, I believe, that the Lords and we may be at a difference upon it."

Sir *William Jones* next said, "That judgments had been often changed into beheading; that *Anna Bullen* was sentenced to be burnt, yet she was beheaded. No man (continued he) can show me an example of a Nobleman that has been quartered for High Treason; they have always been beheaded, and therefore he moved to pass a Vote, for the Sheriffs satisfaction, "That this House is content that execution be done upon Lord *Stafford*, by severing his head from his body only." So that, upon the whole, this appears to have been a matter of dispute among the Lawyers, and that Lord *Russel* said nothing concerning it; then surely his Lordship could not have had it in his power to deny the King the Prerogative *Hume* speaks of, See *Grey's Debates*, Vol. VIII. p. 204 and 209.

Treason

Treason being legally proved against him. In truth, impartial judges at that time were, and are at present, of opinion, that there was a great deal more real malice than truth in the whole prosecution.

We think it will not be improper here to take notice, that a fatal accident happened on the day of his trial, which perhaps did not a little contribute to influence the Jury to find him guilty. We mean, the Earl of *Essex* having that morning, as it was said, cut his throat in the *Tower*. This was then taken and urged by the Court party as a sign of guilt; but as many unusual circumstances attended it, it gave a strong suspicion that the Earl had foul play. Be this as it will, this dark affair has never yet been so cleared up, as to give any certainty, on either side, for a due determination.

“Tho’ (says Dr. *Kennet*) it was at that time esteemed by the Court party almost as criminal to be a witness for him, as to have been an accomplice with him, this brave Lord dared to appear, with the Earl of *Anglesey*, Dr. *Tillotson*, Dr. *Burnet*, &c. and to vindicate him in the face of the Court, giving his testimony to the good life and conversation of his distressed friend; notwithstanding which, he was, by a partial Jury, found guilty;” and concludes thus,

“When his Lordship (continues the Doctor) saw that great man patiently submitting to his hard fate, under a sentence no less than that of death, he did not forsake him, nor would he altogether despair of his safety: He sent him a message by a worthy person, Sir *James Forbes*, that he would come and change cloaths with him in the prison, and stay there to represent him, if in such disguise he could make his escape. But Lord *Russel* was too generous to accept of this proposal. Afterwards Lord *Cavendish* attended on him in his extremes, took leave of him in the most endearing passion, waited on his discon-

folate lady, and continued his respect to the family by matching his eldest son to a daughter of it *.

* As my Lord *Russel's* great ancestor, Sir *John Russel*, was cotemporary with Sir *William Cavendish*, who may be justly stiled partly the founder of the illustrious house of *Devonshire*, so we may also consider Sir *John Russel* in the same light as to that of *Bedford*: and true it is, both Gentlemen were, at one and the same time, equally honoured and respected by that great and able Prelate and Minister of State, the immortal *Wolsey*, as appears from undoubted evidence; part of which we have already produced upon some other occasions. Therefore, these considerations, as well as the near connexions between these truly noble families since, by inter-marriages or otherwise, have induced us here shortly to trace the descent of the *Russels* from the above period to the present time.

Sir *John Russel* (descended from a worthy and honourable family in *Dorsetshire*) was an able and faithful Minister of State, and employed in the service of King *Henry VIII.* He was, by that Prince, created Lord *Russel*, made a Privy Counsellor and Knight of the Garter, &c. in the third year of King *Edward VI.* created Earl of *Bedford*, and died in the second year of *Philip and Mary*, and was succeeded in his titles and estates by his son *Francis*, who died July 28, in the twenty-seventh of *Elizabeth*, and was succeeded by *Edward* his grandson; who, dying without issue, 1627, *Francis* Lord *Russel* of *Thornhaugh*, son of *William*, fourth son of *Francis*, second Earl of *Bedford*, succeeded, and died the 9th of *May* 1641, and was succeeded by *William* his son, who married *Anne* daughter to *Robert Carr*, Earl of *Somerset*, by whom he had several children, one of which was our *William* Lord *Russel*; who, by the death of his elder brothers without issue, became at length heir to the title and estate of the before-named *William* Earl of *Bedford*. My Lord *Russel* married Lady *Rachael*, second daughter, and, at last, heir to *Thomas Wriothesly*, Earl of *Southampton*, Lord High Treasurer of *England*, and had by his most excellent lady (who died September 29, 1723, aged eighty-seven) one son, named *Wriothesly*, and two daughters.

On the 11th of *May*, 1694, Lord *Russel's* father, the Earl, was created Marquis of *Tavistock* and Duke of *Bedford*. Among other reasons assigned by the King and Queen for conferring these great honours on the Earl, were the following; "That this was not the least, that he was father to *William* Lord *Russel*, the ornament of his age, whose great merits it was not enough to transmit by history to posterity, but they were willing to record them by their Royal Patent, to remain in the family as a monument consecrated to his consummate virtue, whose name could never be forgot so long as men preserved

My Lord *Cavendish* was sensibly touched with the calamity that attended his dear friend; for when

any esteem for sanctity of manners, greatness of mind, and a love for their country, constant even to death. Therefore to solace his excellent father for so great a loss, to celebrate the memory of so noble a son, and to excite his worthy grandson, the heir of such mighty hopes, more chearfully to emulate and follow the example of his illustrious father, they entailed these high dignities upon the Earl and his posterity."

The Duke died the 7th of *September* 1700, aged eighty-seven; but long before this he married his grandson to *Elizabeth Howland*, only daughter and heir of *John Howland*, of *Stretbam*, Esq; who was one of the greatest fortunes of that time. In honour to the marriage he was created Baron *Howland* of *Stretbam*. His Grace also married his two grand-daughters; the one to the eldest son of the Duke of *Devonshire*, and the other to *John* afterwards Duke of *Rutland*.

His Grace *Wriothefly*, the second Duke of *Bedford*, had by his Dutcheß two sons and two daughters. The Lady *Grace* was married to the Duke of *Bridgewater*, and the Lady *Elizabeth* to the Earl of *Essex*. This Duke died *May* 26, 1711.

His eldest son *Wriothefly*, born in the year 1708, being the third Duke of *Bedford*, succeeded to his honours and estates, and married, on the 22d of *April* 1725, the Lady *Anne Egerton*, only daughter of *Scroop* Duke of *Bridgewater*, by the Lady *Elizabeth Gburchill* his first wife, third daughter and coheir of *John* Duke of *Marlborough*, by whom he had no issue, and departed this life the 23d of *October* 1732.

After his death, his titles and estates devolved to his brother Lord *John Russel*, being now the fourth Duke of *Bedford*. His Grace was born the 30th of *September* 1710, and married (*October* 11, 1731) the Lady *Diana Spencer*, youngest daughter to *Charles* Earl of *Sunderland*, by Lady *Anne*, daughter to *John* Duke of *Marlborough*, by whom he had issue one son, who died the day he was born, and his mother died on the 27th of *September* 1735; and in *April* 1737 his Grace married *Gertrude*, daughter of *John* late Earl *Gower*, by his first wife, the Lady *Evelyn Pierrepont*, daughter of *Evelyn* Duke of *Kingston*, by whom he has issue a son and a daughter. The young lady (*Carolina*) is married to the most illustrious *George Spencer*, Duke of *Marlborough*.

His Grace's son, the present Marquis of *Tavistock*, born the 26th of *September* 1739, is now Member in the present Parliament (1763) for the town his Lordship derives his title from, and, what is still better, he is also a young Nobleman of great hopes, and extremely well beloved by all that have the honour to know him.

he came to take his last farewell of him, as he was led out to execution, our compassionate *Cavendish* seemed to be rather the sufferer, while the other behaved with the same solidity and calmness at meeting his approaching fate, as he had been remarkable for during the whole course of his life. But just as my Lord was retiring from the dismal scene, my Lord *Russel* called him back, and begged him to apply himself more to a religious life, telling him how great a comfort he felt from that alone, and what a mighty support it was then to him in his last minutes. As my Lord spoke of this matter immediately after to the ministers, who were attending on this sad occasion, it plainly evidenced, that it had made an impression on him; and the Reader will find, in the sequel, that no man departed this life more becoming a Christian, or behaved with greater piety and resignation on his death-bed, than my Lord *Cavendish* himself did.

In a word, the name of Lord *Russel* will be revered, so long as mankind preserve any esteem for sanctity of manners, fortitude of mind, and every other social virtue, which render him the ornament of his age. No interest or passion ever interfered with the love he had for his country. Neither the flattering caresses, nor violent persecutions of a Court, nor even the terrors of death itself, could quench the generous flame that glowed within his breast. We shall here make a few more observations concerning his extraordinary case, and with them conclude our present remarks thereon.

It will not be disputed that Lord *Russel* was a most zealous assertor of his country's rights, and that none had expressed himself more warmly in the House of Commons against every attempt for their subversion. A man of his remarkable sincerity, and one who dared to utter his sentiments without
reserve,

reserve, when he saw the Constitution in danger, might easily have dropped such unguarded expressions, as the honest and brave are too apt to fall into, which, tho' by law they could not in reality be construed into Treason, his enemies who had the law in their own hands, and the interpreters of it wholly at their devotion, knew how to pervert to their own sinister purposes.

Salmon, in his Critical Review of the State Trials, after having strained the account of the evidence given against my Lord *Ruffel*, as much as possible, so as to make his readers believe my Lord was legally convicted, goes on thus: "It is very probable my Lord *Ruffel*, and many more of his party, had no other view than to compel the King to call a Parliament, and pass such Acts as might secure the nation against Popery and arbitrary power in the succeeding reign; and were of opinion that, according to the Constitution, they might lawfully put a force upon their Prince, and compel him to put the Administration into such hands as they directed him, the King being no more than their officer, and the supreme power really vested in the Commons, and thus his Lordship might unfortunately and ignorantly incur the guilt of High-Treason, while he imagined he was serving his country, and supporting the Constitution *."

* *Salmon* would not have made these quaint remarks, had he rightly considered what sort of evidence was given to convict my Lord of the Treason he talks of: 1. *Rumsey*, of whom Lord *Ruffel* had a very ill opinion. 2. *Shepherd*, a Vintner. 3. *Howard*, whose character, according to his name-fake's account, was so bad, that no reasonable man should give the least credit to what he said.

On the other hand, my Lord *Ruffel* was a gentleman of worth and honour, generally beloved and respected by all such as had, in reality, the true interest of their King and country at heart.

Q. Whether a Protestant Jury, either Royalists, or not, should, upon such evidence, have found my Lord guilty?

But

But we say, that nothing can be more improbable, than that one of his Lordship's consequence, as my Lord *Cavendish* justly observes on the trial, should have put his life in the power of such evidence as was produced against him; and none but a packed Jury would have convicted him on it. How much happier ought we to think ourselves now, when the life of the lowest mechanic is more secure under the protection of the law, than that of the greatest Nobleman, in the reign of *Charles II*! especially at this period. And indeed, we must own we have not been a little surprized to find, some other certain modern historical writers, tho' in some respects they acknowledge my Lord's to be a hard case, yet have they so turned and twisted the evidence, (if we may be permitted to use the expression) as to make the unwary believe it, in the main, a just verdict.

The next that fell a sacrifice to the Court's resentment, and brought to a trial, was Colonel *Algernon Sidney*. The Indictment against him was also for High Treason. He was (as it has been said by some Historians) *bunted, or rather harangued to death*. The main evidence which was offered against him, was extracts of some papers found in his closet, in which the doctrine of liberty was strongly and nobly asserted. The Lord Chief Justice *Jef-feries*, who tried him, was said to have behaved on this occasion both with brutality and insolence, for which he became afterwards so noted. In short, the Colonel was, by a packed Jury, soon found guilty, received sentence, and died with a constancy and composure worthy his birth and virtue. When he was brought to the scaffold on *Tower-Hill*, he delivered to the Sheriff a paper, wherein he complained much of the injustice that had been done him, but declared he died with pleasure for the GOOD OLD CAUSE he had been engaged in from his youth. In a word, at one blow his head

was

was severed from his body, in the sixty-sixth year of his age*.

After Mr. *Sidney's* sentence was passed on him, application was made by Lord *Halifax*, his nephew, to the King, for a pardon: *Jefferies* said, on the occasion, *Either Sidney must die, or he must die.*

One reason which has been assigned for *Jefferies* being so rigid at this time, against those who were charged with being concerned in the *Rye-house Plot*, was, upon account of the treatment he had met with in the House of Commons in the year 1680, where it was moved, that he should be exemplarily punished for his having given encouragement and countenance to those who were engaged in the Popish Plot, upon account of which the Commons addressed the King to remove him from all his places; which, however, no proper regard was paid to, as has been before mentioned.

The Court was not even now satisfied with the blood of these two last Patriots, for they next commenced a prosecution against Mr. *Hampden* for High Treason, (who was as obnoxious as either of the others, upon account of his having been very zealous for the Bill of Exclusion.) But when he came to be tried, it appeared there was but one witness, Lord *Howard*, to support the charge; so that the Jury was obliged to acquit him. Tho' his enemies had thus miscarried, they were determined not to part with him so; for immediately afterwards he was indicted for a Misdemeanor, whereof, upon trial, he was found guilty, and sentenced by the mercilefs Court, to pay no less a fine than 40,000*l.* and to find security for his good behaviour during life.

* *Algernon Sidney*, Esq; was third son of *Philip* Earl of *Leicester*, who died in the year 1726. The title is now extinct. *Algernon's* fourth brother, *Henry*, was created Earl of *Rumney*. One of the Earl's daughters married to Sir *Thomas Pelham*, father of the present Duke of *Newcastle*.

John Dutton Colt, Esq; who had been a Member of Parliament, had an action of *Scandalum Magnatum* brought against him, at the suit of the Duke, for uttering these words, "*The Duke of York is a Papist, and before any such Popish dog shall be Successor to the Crown of England, I will be hanged at my own door.*" Which being tried, the Jury found a verdict for the Duke, and gave him 100,000*l.* damages; as they did also the like sum against *Titus Oates*, for calling *the Duke a Traitor*. Sir *Thomas Armstrong*, and one *Holloway*, outlawed for the *Rye-house Plot*, were brought over and executed*; and several others, who were obnoxious to the Government, were severely fined. *Brandon* and *Speke*, for saying *the Earl of Essex was murdered*, were fined, *the first in 2000*l.* and the latter in 1000*l.** *Samuel Johnson*, the author of *Julian the Apostate*, was fined 500 marks; and Sir *Samuel Barnardiston*, for writing some letters about the Popish Plot, was fined 10,000*l.*

But what was remarkable, whilst the Court was thus furiously driving on, the Princess *Anne*, second daughter to the Duke of *York*, was married to *George* Prince of *Denmark*, a Protestant Prince, with whom she lived in great harmony till his death, which happened in 1708. She had by him several children, but none survived.

This year the Lord *Dartmouth* was sent with a squadron of men of war to demolish the Town, Castle, and Mole of *Tangier* (of which there was so much said in the Parliamentary Debates in the year 1680.) The Mole alone, as it has been averred, cost this nation near two millions; and for this piece of service it is said Lord *Dartmouth* received 10,000*l.* And here we shall close the bloody year 1683.

* *Armstrong* was seized at *Leyden* in *Holland*, and *Holloway* in the *West-Indies*.

1684. This year the Court still continued, by some act or other, to shew their resentment against those who had any way exerted themselves in the cause of liberty, in opposition to the King's design of making himself absolute, which he had now near accomplished; and notwithstanding my Lord *Cavendish* had seen the different fates that had attended his dear friend Lord *Russel*, *Sidney*, and others, principally upon that account, he was no way dismayed thereat, but exerted himself, as far as possibly he could, by taking every legal step that tended to preserve his fellow subjects against the pernicious designs of the Court: So that by such his behaviour, he plainly demonstrated, that he considered the good of the public much dearer to himself than his own safety. In short, through this his generous resolution, it drew on him, more and more, the resentment of the Duke's party, insomuch that some of the Ministry, no matter whether Popish or pretended Protestants, attempted to make him uneasy, by falsely giving out, that they had met with one witness, who could prove his Lordship had been engaged in treasonable practices; but when my Lord heard of it, he only desired that he might be confronted with his accuser, which they did not think proper to do, and there the matter rested.

Before we speak of the death of my Lord's father, we shall mention one instance more of his Lordship's gallantry, in which he was actuated only thro' his love of justice, and the value he had for his deceased friend, *Thomas Thynne*, Esq; (who, upon account of his great riches, was called in those days *Tom of Ten thousand*.) This Gentleman had been barbarously assassinated at the instigation of *Coningsmarck*, who was a famous *German* Count. The assassins were taken, tried, condemned, and deservedly executed for the offence; but the Count, their abettor, being also tried, was, by the contrivance of some artful

persons, acquitted. The news of which my Lord received with such indignation (being thoroughly satisfied of his guilt, and that his acquittal was entirely owing to corruption,) that it induced him to have recourse to the old way of trying matters where blood was concerned, by an appeal for justice against the murderer, in challenging him to meet and determine the affair by a single combat.

Dr. Kennet relates this matter thus: "He obtained the favour of a noble Peer to go in his name to Count *Coningsmarck*, to charge the guilt of blood upon him, and to offer to prove it by combat in the open field. What is commonly said of an assignation made upon *Calais-Sand* is more than I can find attested. It may be rather presumed, that the message, or the answer, was dropped, because the Count was in haste to fly from a second trial."

The Earl of *Devonshire*, my Lord's father, died this year, when he succeeded to his titles and estates. It was certainly a peculiar blessing to this Nation, that his Sire lived so many years: For by that means he had an opportunity of sitting in the House of Commons in all the Parliaments called during King *Charles* the II^d's reign, and there exerting his great abilities in defence of his Country's right, which, if he had been called sooner to the House of Lords, he could not, in all probability, have so effectually done.

Welwood speaks particularly concerning the *Rye House Plot*, and other matters, just before, and at the conclusion of this King's reign, and as they seem to be of use, as to explaining some things that had latterly passed, we shall therefore introduce them in his own words: "This Plot (says he,) was in some part a greater mystery than the Popish Plot had been before, and had more dismal effects. The shattered remains of *English* Liberty were then attacked on every side, and some of the noblest blood in the nation

tion offered up a sacrifice to the *manes* of Popish Martyrs, and made to atone for the Bill of Exclusion. Swearing came once more into fashion, and a new Evidence-office was erected at *Whitehall*: But whereas the witnesses of the Popish Plot were brow-beaten and discouraged, those of the Protestant Plot were highly encouraged; and instead of Judges and Juries, who might perhaps boggle at half evidence, as it fell out in the prosecution of the former, *care was taken in this, to pick out such as should stick at nothing to serve a turn. It was by such Judges and Juries that my Lord Russel and Mr. Sidney fell.* And the cutting off those two Nobles lives may be reckoned among the first triumphs of the Duke's party in *England*.

It is true, King *Charles* seemed inclined to pardon both the one and the other; and the very day that Lord *Russel* was executed, some words escaped him, that shewed sufficiently his irresolution in that matter: but by this time he was too far gone to make a handsome retreat on a sudden; and there was observable ever after a sensible change in his temper; for from an easiness and debonairness that was natural to him, he came at length to treat men with *hard names*, and upon some occasions to express a severity in his disposition, that he had been ever averse to before.

The rest of that reign was one continued invasion upon the rights of the people; and the nation seemed unwilling now to contend for them any more. King *Charles*, notwithstanding his great abilities and fitness for business, appeared to be quite lulled with the charms of a new swelled-up Prerogative; while some of our neighbours were playing their game, to the prejudice of *England* abroad, and the Duke's creatures were managing all things to their own mind at home. Nature prevailed upon King *Charles* at length; and the shame of seeing himself imposed

upon by others far short of him in parts; and that the Court was anticipating his death, by their addresses to his brother, as if he had been already King, did help to awake him out of his slumber; and brought him to lay a project for a mighty change in the affairs of *England*, which probably might have made both him and the nation happy. If he had lived but a few weeks longer, *Monmouth* had been recalled to Court, the Duke of *York* had been sent beyond sea, and a new Parliament convened. But what further was to follow, must be buried with his ashes; there being nothing left us, but bare suspicions of what might have been. This is certain, his death came opportunely for the Duke; and in such a manner, and with such circumstances, as will be a problem to posterity, whether he died a natural death, or was hastened to his grave by treachery.

Dr. *Welwood* next relates, "That a few days before the King was taken ill, being in company where the present posture of affairs was discoursed of, there escaped him some warm expressions about the uneasy circumstances he was plunged into, and the ill measures that had been given him: And how, in a certain particular affair he was pleased to mention, he had been abused: adding, in some passion, *That if he lived but a month longer, he would find a way to make himself easy for the rest of his life.* This passage was whispered abroad next day; and the rumour of recalling the Duke of *Monmouth*, and sending away the Duke of *York*, came to take air about the same time. Indeed, all things were making ready, to put the latter in execution; and there is reason to believe the King had intimated as much to the Duke himself; for some of his richest furniture was put up, and his chief servants ordered to be in readiness to attend their master upon an hour's warning; and yachts were waiting to trans-
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port some person of quality, without mentioning who it was, or whither bound. The Romish party, that managed about Court, were observed to be more than ordinarily diligent and busy up and down *Whitehall* and *St. James's*, as if some very important affair was in agitation, and a new and unusual concern was to be seen in their countenances. Nor was it any wonder; for in this suspected change, they were like to be the only losers, and all their seeming hopes were in a fair way to be disappointed. How far the principles of some of that party might leave them at liberty to push on their revenge for this designed affront, as well as to prevent the blow that threatned them, tho' without the privacy of the Duke of *York*; is left to the Reader to determine.

“ Thus reigned and died King *Charles*; a Prince endowed with all the qualities that might justly have rendered him the delight of mankind, and entitled him to the character of one of the greatest genius's that ever sat upon the throne, if he had not sullied those excellent parts with the soft pleasures of ease, and had not entertained a *fatal friendship that was incompatible with the interest of England*. His religion was Deism, or rather that which is called so, and if in his exile, or at his death, he went into that of *Rome*, the first must be imputed to complaisance to the company he was obliged to keep, and the last to a lazy diffidence to all other religions, upon a review of his past life and the near approach of an uncertain state. The King died the 6th of *February*, 1684, O. S.”

We shall now, from what we have before said, and here quoted, touching the King's latter behaviour to his people, make some few animadversions on them, which we have hope will not be unacceptable to the Reader. His predominant passion was certainly a love of ease and pleasure; yet

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we much doubt, as little regard as he had for the welfare and glory of the nation, whether he would have consented to some violent steps, taken towards the latter end of his reign, had he not been perpetually beset and over influenced by the creatures and emissaries of his brother, whose faction at home, and foreign interest abroad, were too powerful for him to grapple with. The breaking out of what was called the *Rye-house* or *Protestant Plot*, almost overwhelmed the whole party who had promoted the Bill of Exclusion, which makes it more than probable, notwithstanding all its plausible circumstances, that it had been artfully trumped up, in order to serve a turn. Be it as it will, this plot, as *Welwood* has well observed, who was far from being an enemy to King *Charles*, or to the Royal house of *Stuart*, was, in some respects, a greater mystery than the Popish Plot, and had more dismal effects.

Welwood has indeed related some matters concerning the King's good inclinations and designs just before his death; which, however, upon examination, appear, even to make the most of them, to be little better than conjectures; so that from thence it is impossible to form any thing certain touching what he has offered. But on the other hand we say, that, according to all appearance, it can scarce be supposed that in such times as these, when patriotism was deemed the greatest of crimes, and to plead in the cause of liberty was construed into High Treason, that, Lord *Cavendish*, with some others, no less criminal in the eyes of the then party, should not also, among others that had unjustly suffered, have been marked out for destruction; and if they escaped the impending storm, no other reason can be assigned, but that proper evidence was not yet found, or some measures were to be taken, not yet ripe for execution. Heaven, in pity to the calamities of *England*, was pleased to reserve

reserve them as its instruments in saving their country, and at the same time doing justice to the memory of their noble friends, who had fallen victims to the rage of its enemies.

1685. We have mentioned that *Charles II.* departed this life, without having been able, notwithstanding all his efforts, to entirely accomplish what he had so much at heart, the effecting of which he left to his ill-fated brother *James II.*; who, in spite of the strong opposition against him at one time, succeeded peaceably to the Throne; and even, tho' a Papist, might, in all human probability, have continued quietly on it, had not his bigotry, inflamed by evil Counsellors, so far infatuated his mind, as to attempt forcing on his subjects a religion, which the generality of them detested.

In truth, when King *James* first came to the Throne, the very name of the Bill of Exclusion seemed to have been quite forgotten amidst the loud acclamations of the people; and had he been contented with keeping his own religion to himself, without attempting to impose it on others, he might have avoided all the misfortunes which afterwards befell him. But that Bill had made too deep impressions on a mind inflamed with bigotry and a lust of arbitrary power, not to snatch all opportunities of taking vengeance of the intended affront; so that neither the long experience he had of the genius of the people he governed, nor even the salutary counsels of some foreign Princes of his own persuasion, who foresaw the ruinous consequences of the measures he was pursuing, could prevail on him to change his plan.

My Lord *Cavendish*, by his father's death, we now see Earl of *Devonshire*, and consequently had no longer a seat in the House of Commons. Therefore we shall hereafter forbear, during the remainder of his Lordship's life, to give an account of the proceedings

ings of that assembly in the manner we have hitherto done ; but shall, from time to time, lay before the Reader, in a summary way, the transactions of this inglorious reign, as they occur in the farther prosecution of our present undertaking, so far as they relate to, or any way tend to illustrate, the memorable actions of the Earl of *Devonshire*.

The first Speech the King made to his Privy Council, evidently shews, that he either knew how to dissemble, till he saw himself well fixed on the Throne ; or, if he then spoke his real sentiments, (which is not very probable) the Popish Party soon got the better of his good inclinations. For tho' he had given his Council the strongest assurances of his great tenderness for his people, and had also declared his inviolable resolution of preserving the Constitution both in Church and State, as then by law established, and never invading any man's property ; yet we may judge, by what immediately followed, that all this was nothing but a mere piece of mockery, and only intended to let the world see, how much he despised the fundamental laws of the Kingdom : For within a few days after this promising Speech, the Nation was suddenly alarmed with a proclamation for levying that part of the Customs which had been granted to his Brother only for life, and consequently expired at his death.

This stretch of the Prerogative was not only contrary to law, but such a wanton breach of it, as filled every one with astonishment, because the Parliament was to meet within a few days, when there was no doubt that the same Customs would be continued to him in a parliamentary way, without raising any murmurs ; on which head a contemporary writer has justly observed, "*That, tho' he was not the first Prince who illegally seized what he had no right to, yet few instances can be given of a King, who openly violated the constitution of his country, to obtain that which*
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he was sure, would be granted to him in a legal manner *."

* Serjeant *Maynard* was elected one of the Members of the Parliament, which the King had called, and there he particularly distinguished himself, as he had often before done. The Courtiers soon projected many laws, calculated to ruin all who should oppose their measures.

The most important of these was, an Act, designed to declare, during that King's reign, what words should be Treason; and a clause was so drawn, "that any thing said to disparage the King's person, or government, should be Treason; within which every thing said to the dishonour of the King's religion should be comprehended."

Serjeant *Maynard* opposed making words Treason; "for (says he,) they are often ill heard, and ill understood, and were apt to be misrecited by a very small variation; men in passion, or in drink, might say things they never intended: (The present Mr. Justice *Forster* has made some just observations on this head, in a learned work lately published.) Therefore he hoped they would keep to the law made the 25th of *Edward III.*, by which an overt act was made the necessary proof of ill intentions." And when others insisted, that out of the abundance of the heart the mouth spake;" he brought the instance of our Saviour's words, *destroy this Temple*; and shewed how near the Temple was to this Temple, pronouncing it in Syriac; so that the difference was almost imperceptible; yet nothing could be more innocent than what our Saviour meant, when he spoke the words; so, on the other hand, nothing could be more criminal were they to be taken in the literal sense, in that of exciting the multitude to *destroy the Temple*." This observation made some impression at that time; but if the Duke of *Monmouth's* landing had not brought the session to an early end, every thing that the Courtiers were projecting would (as was believed) have passed into laws.

This Gentleman had been early in life a very active Lawyer. The speeches he made to both Houses of Parliament, on the 24th of *March*, 1640, in reply to the Lord *Strafford's* answer to the Articles exhibited against him, was published in 1641, wherein *Maynard* exerted himself with the utmost warmth and zeal in that famous cause, of whom, and his actions relating thereto, are these verses extant:

The Robe was summon'd, *Maynard* at the head,
In legal murder none so deeply read:
I brought him to the bar, where once he stood,
Stain'd with the yet unexpiated blood
Of the brave *Strafford*, when three kingdoms rung
With his accumulative active tongue, &c.

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Tho' such a beginning portended no good to the liberties of *England*, and little reliance could be had on any future promises of a King, who had thus forfeited his royal word; yet as he made a most affectionate Speech from the Throne, the Parliament, passing over what, on any other occasion, would have set the whole nation on a flame, and had actually been the original cause of the late civil war*, shewed an hearty inclination to comply with all his

* *Welwood* says, "When King *James* came to the Throne, the Prince of *Orange* tried all possible means to cultivate a sincere friendship with him, and to persuade him to enter into such measures as might tend to the common safety of *Europe*, and the happiness of *England*; which if King *James* had given ear to, would have preserved the Crown upon his head. And so cautious was he of giving him no reasonable ground of complaint, that tho' in King *Charles's* time he had given a generous welcome to the Duke of *Monmouth*, at the request of that King, upon his retiring to *Holland*; yet as soon as he knew that that unhappy Gentleman designed to invade *England*, upon King *James's* accession to the Throne, he offered to come over in person to his assistance, and sent him immediately the *English* and *Scotch* troops that were in the service of the States.

It had been happy for King *James* if he had complied with the advice of the Prince of *Orange*, or had not, by his success against *Monmouth*, been pushed on to take the steps that have been mentioned, together with a great many more, for brevity's sake here omitted, towards his own ruin, and that of the Constitution of *England*. But being flattered with the gaudy charms of absolute power, and the empty merit of restoring the Romish religion, he drove on without controul, till at last he forced the people of *England* upon an inevitable necessity, of calling in the Prince of *Orange* to retrieve the expiring liberties of their country.

At the same time an indissoluble friendship and alliance (with *Lewis XIV.*) which King *James* had entered into when Duke of *York*, and had cultivated afterwards when he came to the Crown, was a matter of that vast consequence to the neighbouring Princes and States, as would not permit them to stand by as unconcerned spectators of the scene that he was beginning to act in *England*; and obliged them at last to have recourse to the Prince of *Orange* for breaking off their own fetters, by breaking first those of *England*."

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demands; and the gloomy prospect seemed to clear up a little, when, on giving the Royal Assent to the Bills which had passed both Houses, he assured them, in the most emphatic terms, of his having *a true English heart*, and being jealous of the honour of the nation. The generality of the people, who judge from outward appearances, were highly transported with these repeated and solemn assurances. But every discerning man in the kingdom saw those dark clouds begin to gather, which were shortly to break out into a violent storm. How little the Earl of *Devonshire* was imposed upon by such specious words, will presently appear from the undaunted courage he shewed, in uttering his sentiments without reserve, at a time when opposing Court measures threatened certain ruin.

The Duke of *Monmouth's* unsuccessful expedition, which happened whilst the Parliament was sitting*, afforded the King that opportunity he had been impatiently waiting for, of entirely throwing off the mask, and acting without disguise. For altho'

* We have, in a preceding note, given some account of the actions of this unfortunate Prince; but as we have not yet fully spoken touching his origin, we shall here supply that defect. He was son to King *Charles II.*, by Mrs. *Mary Barlow*, and was born at *Rotterdam*, the 9th of *April*, 1649; upon the King's going for *Scotland*, he recommended him to his royal mother, who took care of him, and upon the Restoration he was sent over into *England*, where the King received him with all imaginable joy, created him Earl of *Orkney*, which was afterwards changed into that of the Duke of *Monmouth*. By that great title he took his seat in the House of Peers, as such, and in *April* 1673, was installed Knight of the Garter, and married the heiress of *Francis* Earl of *Buccleugh*. Hence it came to pass he had also the title, by creation, of Duke of *Buccleugh*, and took the surname of *Scot*, according to the custom of *Scotland*, and he was likewise created Earl of *Doncaster*. His Grace the present Duke of *Buccleugh*, and Earl of *Doncaster* (1763) is lineally descended from the late Duke of *Monmouth*.

the two Houses expressed, on this occasion, a more than ordinary zeal in attainting *Monmouth*; and readily granted a supply for suppressing that rebellion; tho' the House of Commons had passed a vote, *nemine contradicente*, that they entirely relied on his Majesty's most gracious words, and repeated declarations, that he would support the established religion, which was dearer to them than their lives; yet they found, by the different language wherewith he now treated them, how much they were mistaken. In short, he gave them plainly to understand, in another Speech from the Throne, "That, as he was now master, they must expect, for the future, not to be governed by the known laws of the land, but by his own arbitrary will and pleasure."

The Test-Act, as every one knows, was intended to exclude Papists from all offices civil and military, and that the King himself, when Duke of *York*, had been compelled, by virtue of the same, to lay down his post of Lord High Admiral; but affairs had taken so different a turn, that now, not content to dispense with this Act in his own person, having first declared his resolution of keeping up a large standing army, which had been considerably augmented by his own authority, he told them, for their farther comfort, that he was determined to employ therein several Popish officers. Thus all the barriers, which our laws had fixed to keep out Popery, were broken down in a moment, and a Protestant Nation, like a flock of sheep, committed to the care of hungry wolves; or, in other words, it might be said, that this Protestant Nation was entrusted to the disposal of those who had sworn its destruction.

What remedy had the Great Council of the Nation at seeing themselves so contemptuously treated? No other, but an humble Address, representing the illegality and fatal consequences of such a proceeding.

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But as the iron rod hung over their heads, there was a necessity of temporising. In order, therefore, to preserve at least some shadow of their antient dignity, and to shew the world, that the Legislative Power invested in them, was not wholly trampled under foot, they offered to prepare a Bill for indemnifying such officers from the penalties they had incurred by law, and at the same time declared their willingness to capacitate, by an Act of Parliament, all such Popish officers as the King should be pleased to give them a list of. It seems impossible that an *English* Parliament could have shewn greater submission, unless they had prostrated their necks before the Throne, and told their haughty Sovereign, in express terms, that not only their liberties and properties, but even their religion and lives were entirely at his disposal.

One would naturally think, that such a sacrifice should have been most graciously accepted, since by these concessions the King was empowered to establish his tyranny more effectually, under some colour of law; but, prompted by his evil genius, he rejected these offers, and, notwithstanding a Bill was then preparing for a large supply, parted in great displeasure with this his first and only Parliament, which was dissolved four days after their presenting the Address.

As the subject we are now upon is of so very interesting a nature, it would be an unpardonable omission in us not to take notice, that when King *James's* last Speech came under consideration in both Houses, it was debated, whether they should thank him for it; and it was pressed by the Courtiers, as a piece of respect that had always been paid to their Sovereign. It must certainly afford matter of great astonishment to those who are not well acquainted with the history of those times, how a debate could possibly

possibly arise in an *English* Parliament, whether an Address of Thanks should be made to the King for keeping up a standing Army, and violating the Test-Act, (which are the two principal topics of his gracious Speech;) that is, for assuming a dispensing power, in direct opposition to the fundamental laws of the kingdom, and utterly subverting the Constitution. The truth is, it appears plainly enough from the Debates themselves, that this Speech had given great offence to every friend of his country; and tho' many of the Court tools, and some few, perhaps, for want of resolution, were base enough to concur in the motion to return Thanks for a Speech, which cannot be read by any true *Briton* without indignation, yet there were not wanting those, who dared to express their sentiments of it with all intrepidity becoming their stations. Among these we shall single out the Earl of *Devonshire*, whose behaviour was so spirited on the occasion, that it ought to be recorded to his immortal honour. When this undaunted Patriot found the debate grew warm, some insisting on the Address, and others objecting that this was only done when there were gracious assurances from the Throne, (which was far from the present case;) in order to cut the dispute short, by one of the most pertinent and smart ironies that ever was made use of at so critical a juncture, he said, "*That, for his part, he was for returning Thanks, because the King had spoken out plainly, by warning them of what they were to look for.*" These few words have more fire and energy in them than the most admired Orations of *Demosthenes* or *Cicero*, containing at once the severest sarcasm on those who voted for the Address, as well as on the King himself. As if he had said, "If ye are so fond of giving up your liberties, ye can never do it with a better grace than at this juncture; for tho' we had no reason to doubt his Majesty's readiness to
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accept the offer, yet as he has not fully declared his royal intentions, perhaps such an offer might have appeared somewhat unseasonable. But since he has now told us, in the plainest terms, that we have no liberties at all, nor any other choice left, but that of submitting to his absolute will and pleasure; pray why should we give ourselves any further trouble, but return him our grateful acknowledgments for so gracious a condescension?

1685. From this short sketch of the King's actions to this time, we make no doubt but every one will perceive the unhappy condition the Protestants were soon like to be in, thro' the impetuosity of a bigotted Popish Prince, aided by the advice of a rigid Council, mostly composed of men of the same principles: yet, notwithstanding the dismal prospect as to what the Protestants were to expect, which clearly appeared to every one, by *James's* having taken off the mask which he had only worn for a very few months, it did not, however, totally discourage some of our true-hearted *Englishmen*, among whom was my Lord *Devonshire* in particular, from using their best endeavours to preserve their Religion. Still all this did not prevent my Lord's sometimes going to Court, as he had usually done from the beginning of this reign, and continuing the same Patriot in every respect, wherever he thought the interest of his country was any way concerned. So that it is natural to believe, the presence of such a Nobleman at Court as the Earl of *Devonshire* could not be very agreeable to the King, and that no opportunity was neglected of letting him know, how much that Prince resented his behaviour. It so fell out, that he was very rudely insulted, within the verge of the Court, by Colonel *Culpepper*; on which occasion, discretion getting the better of his passion, he carried his resentment no farther than to grant his pardon to the aggressor, on the condition

condition that he should never more appear at *Whiteball*; but immediately after *Monmouth's* defeat, the Colonel was encouraged to shew himself again at Court, of which he was ready enough to be the tool. The generous Earl, happening to meet him in the Presence-Chamber, and losing all patience at what he thought an insulting look, took him by the nose, led him out of the room, and, without reflecting on the consequences, gave him a stroke with his cane. His enemies could desire no better an handle to wreak their malice on him. In short, he was prosecuted and convicted of an assault upon the Colonel, in the *King's-Bench*, upon an information, (in *Easter Term* of *James II.*) and a most exorbitant fine, no less than 30,000*l.* imposed on him*, and was committed, tho' a Peer, to the *King's-Bench* prison, till he should make payment of it. But as confinement ill suited one of his active temper, he found means to escape, and retired to his seat at *Chatsworth*; on the news of which, the Sheriff of *Derbyshire* had a precept to apprehend him, and bring him with his posse to town; but the Earl detained this officer, as a prisoner of honour, till he had compounded for his own liberty, by giving bond for the full sum, which bond was providentially found among King *James's* papers, and given up by King *William*.

Nothing better discovers the real character of King *James* than his behaviour on this occasion. A certain Countess, we are told, waited on the King, and, for discharge of the fine, humbly requested, that his Majesty would accept of her delivering up bonds

* The Court did not impose this exorbitant fine on the Earl, before they had consulted *the Keeper of the King's conscience, Jefferies*, who not only testified his approbation of the fine, but greatly encouraged the Judges to pass this wicked sentence.

Query, Whether all this did not proceed from an unjust view, of taking a malicious revenge on the Earl, upon account of what he had done in relation to the Bill of Exclusion?

and other acknowledgments, for above sixty thousand pounds, lent by her husband and the Earl's mother, to his Royal Father and Brother, in their great extremities. But this reasonable offer was haughtily rejected by that ungrateful Prince.

Let us now attend to the public affairs of the Nation: As the King's two former Speeches, we mean to his Privy Council and that at the first meeting of the Parliament, had greatly embarrassed the enemies of our Constitution, who were not let into the secret of affairs, such expressions having been used therein as seemed utterly inconsistent with the great design of subverting our liberties and religion; so this third Speech we have been speaking of, afforded matter of triumph, no less abroad than at home, to all those who sought the destruction of both. Our Protestant neighbours felt the dreadful effects of it, in the revocation of the Edict of *Nantes*, which immediately followed in *France*, and seems to have been deferred to so favourable a juncture, as a prelude to those outrages which were to be acted in *England*.

The King having got rid of his Parliament, in the manner above related, soon let the people see, that he was in earnest. The party, by whom he was totally governed, grew so sanguine, that Papists were not only brought into the Army, but into places of greatest trust in the State. Even a *Jesuit* was sworn of the Privy Council; and the first Protestant Nobleman in *England* disgraced, for not paying due respect to the Pope's Nuntio, who appeared publicly at *London* in that quality, tho' it was highly penal for such a man to set his foot in the Kingdom.

It can scarce be doubted but that the Court of *Rome* would have been extremely pleased to see the whole *English* Nation become what they call good Catholics; yet it is very observable, that the Pope himself, and all the sensible Cardinals about him,

gave but a cool reception to the splendid Embassy sent by King *James*, in order to reconcile us to the Holy See, as plainly perceiving that his blind zeal, and the rash and precipitate measures he was pursuing, would only serve to ruin himself, without advancing the cause. Indeed, the slights and mortifications he met with, on this occasion, in the person of his Ambassador, would have been enough to cool the ardour of any other Prince, less bigotted and less influenced by *Jesuits*, who only made a tool of him, to introduce their own pernicious Society; whose crafty politics have caused so many disturbances in every part of *Christendom*.

1687. The dispensing power, which the King had now assumed to himself, of granting an universal Toleration, would, as he thought, be the principal means of destroying the established Church, and that under the specious pretence of indulging tender consciences; his prohibiting the Clergy to preach against Popery, and setting up an illegal Court, not much unlike the Inquisition, which, by a most unjust and arbitrary sentence, suspended the magnanimous Bishop of *London*, for daring to do his duty, are facts too well known to need a repetition. After such proceedings, which so deeply affected the whole Church, it cannot be wondered at, that some particular parts of it should feel the weight of the King's displeasure. The unworthy treatment, which the President and Fellows of *Magdalen College* in *Oxford* met with, for refusing to violate the solemn oaths they had taken, will leave an indelible stain on his memory. At this day (the 18th of *August*, 1763) that respectable Society is in a most flourishing condition, and it is our hearty prayer it may so continue to the end of time.

But the Church, it seems, by all these stretches of arbitrary power, was not yet sufficiently humbled, nor the Papists yet put in possession of her spoils: In order,

order, therefore, to crush her more effectually, and to render her accessory to her own ruin, the King issued a second Declaration, of a much higher strain than the first, for universal liberty of Conscience, commanding it to be read in all Churches and Chapels throughout the Kingdom, at the usual time of divine service, and ordering the Bishops to cause copies of the Declarations to be sent to their respective Dioceses for this purpose. This injunction, the most unreasonable ever heard of, was purely intended to render the national Clergy contemptible, and force them to betray their own interest and that of the established religion at the same time. They, indeed, refused to comply, and thereby exposed themselves to the rigorous sentences of that unjust tribunal lately set up (something like *the High Commission Court* in King *Charles I*'s time,) which would, no doubt, have deprived them of their benefices to a man, had not the scene changed, before all this could be brought about. For King *James*, urged by his fate, instead of attending to the humble Remonstrance of the * seven venerable Bishops on this occasion, sent them

* Mr. *Somers* was one of the Council for the Bishops on their ever memorable trial, and the last who spoke in their defence; in which he displayed his eloquence and learning in a very masterly manner, as follows: "That the matter of fact alleged in the Bishops Petition had been proved perfectly true, by the Journals of both Houses; that there could be no design to diminish the Prerogative by it, because the King has no such Prerogative: That the Petition could not be seditious, because it was presented to the King in private and alone: nor false, because the matter of it was true: nor malicious, for the occasion was not sought, the thing was pressed upon them: nor, in short, a Libel, because the intent was innocent, and they kept within the bounds set by the Act of Parliament, that gives the subject leave to apply to his Prince by Petition when he is aggrieved."

The Author of his Life says, that what Mr. *Somers* urged made a strong impression on the Jury, and was more taken notice of than what the other Council had pleaded before him.

all prisoners to the *Tower*, afterwards brought them to a formal trial in the Court of *King's-Bench*, where their Council, demonstrating, by invincible arguments, that the dispensing power was an open violation of the Laws and Constitution of the Kingdom, they were honourably acquitted, to the inexpressible disappointment of the whole Court.

1688. On the birth of the pretended Prince of *Wales*, it was thought requisite to summon a new Parliament, provided it could be properly modelled, and every engine was set at work for this purpose; tho' it is much to be doubted whether it would have answered the King's intention had it ever met. But he had more than one method in view, how to accomplish his designs; for what a Parliament, in all probability, would not do, he was resolved that an army should; and therefore care was taken to regulate his troops to that end, as the shortness of time would allow. *Ireland* was the surest resource for providing him with an army entirely Popish. To prevent every obstacle from this quarter, the Earl of *Clarendon* was recalled from the Government of that Kingdom, and a Papist put in his room, who committed such horrid excesses as will never be forgotten. It would be endless to enumerate the miseries which that unhappy country suffered, where Protestants of all ranks and conditions were stript of their whole substance, without so much as using any form of law to colour or give some pretended sanction for their depredations; and in other respects, the very tribunals of justice went hand in hand with the military power, and all this was purely calculated to root out the name of Protestant. If the excesses committed in *England* did not arise to the same enormous height, it was not for want of good-will in the Papists here, but because their antagonists were far more numerous than themselves.

The people had hitherto looked on these unheard of proceedings with a silent consternation; but at length the noble principle of *English* liberty began to kindle afresh in their breasts, notwithstanding all the endeavours that had been used for a long time to extinguish it. The short recapitulation of facts we have here given, will sufficiently justify the steps they took to regain their antient freedom, and to preserve those rights and privileges, which they had received as a sacred deposit from their forefathers.

The Earl of *Devonshire* all this time kept himself retired at *Chatsworth*. Here he found a refuge from standing armies, and a set of venal Judges, the more dangerous of the two; and at the same time heard with indignation the steps the Court was still pursuing; which, of course, must end in the ruin of the Constitution, if no method was taken to prevent it. My Lord, whilst he was thus, at times, reflecting in his mind on the deplorable state his country was likely to be soon in, spent some hours in his retirement in reading the most celebrated Roman authors. *Tacitus*, in particular, was one that he perused with great attention, and from whom he drew many useful reflections in respect to *power and liberty*, which were, in short, so agreeable to his own principles, that he afterwards frequently acknowledged, that what he had found in *Tacitus* had had such an effect upon him, as to have been in a great measure the means to guide him aright in several of the future steps he afterwards took in the world; for his own part, tho' he was satisfied that a Prince governing by law deserved his allegiance, yet could he never digest the notion of passive obedience to tyrants, that is, to such as would bend a legal constitution to their own arbitrary will and pleasure. In such case he judged, as wise and good men have done in all ages, that the public safety is the supreme

preme law, and gives a natural right to common defence and preservation of the whole body *.

The justice, the expediency, the necessity of such a step, was out of the question. The only point was, how to bring it about in the most effectual manner, by taking such prudent measures as not to run into anarchy, by attempting to shake off tyranny.

Hear a few lines, extracted from *Addison's* poem stiled the *Campaign*, addressed to *John* the great Duke of *Marlborough*; which we think will not be improperly applied to our Earl, considering what he was then in pursuit of.

"The Hero's breast still swells with great designs,
In every thought the tow'ring genius shines;
If to the fight his active soul is bent,
The fate of Empires turn on its event."

In fact, the sole care of this truly illustrious Lord was, to restore a legal Monarchy, and to preserve it in the Protestant line, established on the fundamental constitution. There appeared no prospect of obtaining this end, but by means of the Prince of *Orange*, whose personal qualities, alliance with the antient royal family, and inviolable attachment to the Protestant cause, rendered him the object of all our hopes. The Earl, therefore, being fully convinced that the malady the nation laboured under would certainly prove mortal, unless a speedy, tho' violent, remedy were applied, contributed every thing in his power to turn the eyes of the Nobility

* The very word *Allegiance*, implies nothing more than obedience according to law; consequently, in such a limited Monarchy as ours, no obedience can or ought to be required, inconsistent with law: And from hence it unavoidably follows, that to resist a Prince, who breaks those laws, which it is his indispensable duty, no less than that of his subjects, to maintain inviolably, can never be called Rebellion, except by those who confound the ideas of things.

and Gentry towards that excellent Prince, and heartily joined in every measure for inviting him over *.

As a premature discovery of the important affair now in agitation might not only expose the promoters of it to inevitable ruin, but serve, perhaps, to rivet more firmly the chain, which is generally the case in unsuccessful attempts of this nature; it cannot be wondered at, that the Earl, as zealous and hearty as he was in the cause, acted with all due caution and secrecy. We are told by some writers, that he concerted measures with the Earl of *Danby*, Sir *Scroop How*, and others, previous to the Revolution; on which head a late honest and sincere writer, (Mr. *Collins*,) gives us the following narrative, which seems to have been taken from some traditional report in that part of the country. "At *Wittington*, (says he,) on the edge of *Scarfsdale*, in *Derbyshire*, the Earls of *Devonshire* and *Danby*, with Lord *Delamar*, privately concerted the plan of the Revolution; the house wherein they met, is now a farm-house, and the country people still distinguish the room where they sat, by the name of the *Plotting-Chamber*." But we have a fuller and more authentic account of this whole transaction from the Earl of *Danby* himself, (afterwards Duke of *Leeds*,) in a book he published to justify his conduct, and to shew, that the best of those men, concerned in the prosecution against him, in the reign of *Charles II*, were mistaken. From hence it appears, that this Lord was an active promoter of the great affair then carry-

* A late writer says; "though a Patriot cannot be happy amidst the calamities of his Country, yet the Earl of *Devonshire* had still the satisfaction to reflect, that the Prince of *Orange* was in being; and that through him the Nation would work out its own deliverance."

† We have, in a foregoing Note, mentioned something of this matter, where we spoke of the transactions in the year 1679. See p. 75.

ing on, and that our Earl, who had once been ~~his~~ enemy, as he thought on sufficient grounds, had too much candour not to acknowledge his mistake, when he found himself in the wrong.

Whilst this great work was thus carrying on, wherein every true *Englishman* concurred at least with his prayers and good wishes, the King, upon the first alarm of an invasion, being more jealous of the Earl than of any other Peer, sent for him to Court. But the Earl excused his attendance, because he well knew the meaning of such a message. The Duke of *Newcastle*, who had accepted a commission from the King, was sent down to *Chatsworth*, with some other Peers, in order to sound that Nobleman's inclinations, under pretence of inviting him into the King's service. The Earl, not insensible of the dangerous situation, and the fatal consequences which might ensue from his acting too precipitately, gave ear to the Duke's discourse with a seeming attention, yet returned no other answer to it, but in general expressions, from which no advantage could be taken.

However, when his noble guest was gone, as he now perceived that things were brought to such a crisis, that no time was to be lost, he concerted other measures with the noble persons before-mentioned, besides others of the best account and interest in those parts. It was at first imagined that the Prince would have landed in the *North*, but tho' they were disappointed in their hopes, this did not discourage them from continuing their preparations. The Earl, in particular, tho' he met with such obstacles, either from the coldness of some, and the dread of others, as would have intimidated any other man, and saw himself in the most imminent danger of being either delivered up, or at least left alone, yet nothing could divert him from pursuing the glorious plan he
had

had formed for saving his country, tho' his own life and fortune were at stake.

When he heard of the Prince's landing in the *West*, he instantly began to move, with those friends and dependants he had always kept ready; and being firmly resolved to run all hazards for the public safety, he first marched with a small retinue to the town of *Derby*, where he invited many of the country, and entertained those who came at his open table. He read to the Mayor and Commonalty of *Derby*, the Prince's Declaration*, with another drawn up by himself, in concert with the Nobility and Gentry, importing that they would do their utmost to defend the rights and liberties of the subject. Whilst he remained in this town, he received such contradictory advices, with respect both to the

* This shews that our great man early saw, how useful it was to live well with men in the mid station of life; and indeed, I have often been surprized to find so many in such station paying homage to the haughty ones, especially when they even saw themselves treated with a sort of contempt. *Gordon* reasons well on this head, where he says, "That power without politeness and complacency is at best distasteful, often hated; amiable when it knows how to condescend. It is thus that men in high stations avoid envy from such as stand below them. To make us think well of ourselves, by another's shewing us we are well thought of by him, is a generous and an artful civility. But indeed it is a lesson, which stately and rebuking men never learnt. A mean man of great quality and figure (for such incongruities we often meet with) teaches others to scorn him, by his shewing he scorns them. Affability therefore, accompanied with good sense (like our Duke of *Devonshire's*) will always guard it from exceeding, and by that means keep up great splendor from growing offensive."

In a word, nothing can raise the indignation of a generous mind more than to see a good motto to a coat of arms prefixed to a chariot, worn by the owner of it, whose actions have been such as to make them abhorred. Yet we hope it will not be amiss to remind him, that there never will be wanting some to do justice to merit, by painting his character in the manner as others of the like cast have been already done.

King and Prince, as left the wisest in suspense, and the rest in consternation; of which the Popish party taking advantage, began to form a plot of seizing him and his companions, and would have effected their design, had they not retired from the place with great expedition.

From hence our brave Earl marched to *Nottingham*, where the people were well affected. Here the Nobility and Gentry soon made a considerable figure, and, by his Lordship's advice, a Declaration was unanimously subscribed by them, expressing their sense and resolution upon this professed principle, "That tho' they owned it rebellion to resist a King that governs by law, yet he was always accounted a tyrant who made his will the law; and that to resist such a one they justly esteemed no rebellion, but a necessary and just defence."

This Declaration produced such an effect, that many others came daily into it, who were formed into regular troops. At this time, Princess *Anne of Denmark*, being under the necessity of providing for the security of her own person, withdrew from *London*; and it is very observable, that when she was first missing, the people were so enraged, that they threatened to tear in pieces several of the Papists in *Whitehall*, on a surmise that they had committed some violence against her. This instance, we think, is an incontestable proof, that the national resentment was not founded on any hatred to the Royal Family, but purely on the breaches made in the legal form of government, which every honest man wished to see restored to its pristine lustre, with as little violence as possible.

A rumour having been spread, that, as the Princess was taking her journey to *Nottingham*, a party of the enemy would intercept her, the Earl marched out with a good body of horse, and at some miles distance from that town, met her with great respect
and

and joy, conducting her to the Castle, where he kept table at his own expence, and provided all the other accommodations of a Court, and a standing Council. His whole behaviour, on this occasion, was so noble and disinterested, as must convince the enemies of the Revolution (if such wrong-headed men are capable of conviction,) that he was none of those pretended patriots who delight to fish in troubled waters, and make his advantage of the public confusion. How often do we read in antient history of the people's extirpating the whole race of a tyrant, and cruelly destroying the innocent children for their father's misgovernment! But the Earl of *Devonshire*, always actuated by the principles of justice and humanity, looked on the daughter of that misguided Monarch as the future hopes of the nation.

At the same time that he treated her Royal Highness with all the tenderness and respect due to her sex and character, he shewed himself an implacable enemy to tyranny. When a copy of the Association came, it will be easily believed that none more readily went into it than he. In this he was followed by those who were hearty in the cause; and tho' he bore with great temper the refusal of some, who were so cautious as to decline it; yet such was his generous indignation at those base and pitiful temporizers, at a juncture when every thing that can be dear to us was at stake, that when, upon a nearer prospect of success, they afterwards offered to subscribe, he checked them for their former wariness, and said, there was now no need of their doing it. Caution, it must be owned, is a great virtue, on some occasions; but when the very vitals of the Constitution are attacked, and tyranny is breaking in like a flood; when the utmost vigour and intrepidity are necessary to stem the impetuous torrent; when it behoves every individual to stand in the breach, and all pri-

vate considerations should give way to the public safety, nothing can be more vile and despicable. Had our Earl, who perhaps had more to lose, been of the temper of those cautious Gentlemen, probably we might have groaned under the iron yolk then preparing for them at this day.

The Princess, having declared her intention of removing to *Oxford*, was attended thither by the Earl and his noble train, as a guard; and being solicitous to finish the work he had begun, hastened early the next day to *London*, where hearing that the Prince of *Orange* was at *Sion-House*, he resolved to wait on him the following morning, and accordingly went thither, and saw the Prince, as he was taking coach, by whom he was received with all imaginable marks of esteem and affection.

When the Lords Spiritual and Temporal assembled in their House at *Westminster*, on the 25th of *December*, none was more forward than the Earl for presenting an Address to the Prince, that he might take upon him the Administration, till a Convention should be summoned: and when it met, in *January*, 1689, he was named one of the first Peers in the order for a day of public thanksgiving to Almighty God, for having made his Highness the Prince of *Orange* the glorious instrument of delivering this Kingdom from Popery and arbitrary Power; and again in the Address of both Houses, to desire him* to continue in the administration of public affairs, civil and military, and disposal of the public revenue,

* When Mr. Serjeant *Maynard*, of whom we have often spoke, attended, with the Gentlemen of the Long Robe, to pay their compliments to the Prince of *Orange*, and was near ninety, yet he uttered (according to *Burnet*) the liveliest expression that was heard of on that occasion. The Prince observing his great age, said, *Sir, You seem to have outlived all the men of the Law of your time*; upon which he answered, *he had like to have outlived the Law itself, if his Highness had not come over.*

for the preservation of our religion, rights, laws, liberties and properties.

In the Debates that followed, he strenuously urged the sense of the Commons, "*That King James had not only endeavoured to subvert the Constitution of the Kingdom, by breaking the original contract between King and people; but having violated the fundamental laws, and withdrawn himself out of the Kingdom, had* **ABDICATED** * *the Government, and the Throne was thereby vacant.*

When a majority of Lords were at first against this Vote, he entered his Protest, with about forty other Peers, and, after a free Conference, encouraged the leading Members of the other House by the force of his arguments, and at the same time convinced some scrupulous Lords, how reasonable it was to agree with the Commons, in the point contending for. This point being at length carried, he had the pleasure to find still a greater majority with him, in the final resolution, that the Prince and Princess of *Orange* should be declared King and Queen of *England*. In fine, he no less distinguished himself in every vote, to fix the Constitution on its true basis, than for vindicating the antient rights of the Lords and Commons, and preventing a relapse into slavery. Most revolutions, in other countries, have been generally for the worse, by running into extremes; but this has so well guarded the Prerogative, and secured the people's just Rights and Privileges, that nothing can shake such a Constitution as ours, but our own intestine jars, and turning liberty into licentiousness; that is, the greatest blessing into the greatest curse. For as gloomy an idea as arbitrary power conveys with it, (and I must confess, it is big with horrors) yet we cannot help thinking

* It has been said, the before-mentioned Mr. *Somers*, afterwards Lord *Somers*, was the Gentleman that first proposed the making use of the word **ABDICATED** upon the occasion.

that

that the tyranny of one is far less dreadful than of five hundred. What reason have we therefore to adore the wondrous hand of Providence, which put it in the heart of such patriots as the Earl of *Devonshire* to fix the tottering Throne on its antient foundation, and to restore those laws to their due course, under whose protection the meanest subject in the kingdom may sit as securely as the greatest, under his own vine and fig-tree! We shall not here attempt to enter into the dispute, which has filled so many volumes, how far resistance may be lawful, and in what case passive obedience is requisite. We shall say no more to those who condemn the Revolution, than that they must be either deadly enemies to the Constitution of their native country, or so strangely blinded by prejudice, as not to perceive, that, if that event had not taken place, our condition would have been as wretched as it is now happy. In short, to attempt the refuting the principles on which the Revolution was founded, is the same thing as to argue against the common sense and reason of mankind; and therefore we will leave those who are against the Revolution to enjoy their own sentiments. If they are discontented with our form of government, let them go, in God's name, and seek a better; if so, much good may it do them. As to such as are fond of prostrating their necks to the will and pleasure of a master, restrained by no laws divine or human, who looks on his people not only as slaves, but mere beasts of burden, and treats them accordingly, let me advise them to take a journey to *Turkey*, where the making a tender to the haughty Sultan of their lives and fortunes will not be deemed as the least mark of their affection and loyalty, since he, by custom immemorial, has an undoubted right to dispose of both, whenever it suits his humour. Or, if this be thought too much trouble, they may pay a visit to some of our near neighbours,

neighbours, and there find matter enough to exercise their darling passive obedience and non resistance. All the harm we wish to such men is, that they may enjoy, without interruption, the sweets of a *French* government, or the fine blessings of a *Spanish* inquisition; and few or no true *Britons*, we believe, will envy them.

We shall here once more touch on Mr. *Addison's* Poem, stiled the *Campaign*, and with the following elegant lines extracted from it, conclude this part of our observations, concerning the Earl's conduct and behaviour, during the time the happy Revolution was bringing about.

* " Thus would I fain *Devonshire's* worth rehearse,
In the smooth records of a faithful verse;
That if such numbers can o'er time prevail,
May tell posterity the wond'rous tale.
When actions unadorn'd, are faint and weak,
Cities and countries must be taught to speak;
Gods may descend in factions from the skies,
Fiction may deck the truth with spurious rays, }
And round the *Hero* cast a borrow'd blaze.
DEVON's exploits appear divinely bright,
And proudly shine in their own native light;
Rais'd of themselves, their genuine charms they boast,
And those who paint 'em truest, praise 'em most."

1689. The Revolution being thus effected, and the Convention having elected the Prince and Princess of *Orange* King and Queen of *England*, on the 13th of *February* they were accordingly proclaimed as such, with the usual ceremonies. Immediately afterwards their Majesties Household was settled, when our noble Earl was declared Lord Steward of it, and at the same time most of the high offices at Court were filled up.

* We have, indeed, taken the liberty to change here and there proper names, to adapt the verses to our application, which nevertheless shews the extensive genius of the Poem.

This

This being done, there soon arose party feuds among the great men, whereof the Earls of *Monmouth* and *Warrington* were at the head of one, who endeavoured to infuse jealousies into the minds of those of their party against the King, with the same industry as the Earl of *Nottingham* was instilling the like into the King against them; which being observed by the Earls of *Devonshire* and *Shrewsbury* they were not wanting to apply proper remedies to stop those growing evils, which in some measure had the desired effect.

His Lordship having been elected one of the Knights of the most Noble Order of the Garter, he, together with Marshal *de Schomberg*, were, on the 13th of *April*, installed at *Windſor* in the usual form.

Hear *Prior*, extracted from a Poem to the King:

“ Renown’d in thy Records shall DEVON stand,
Asserting legal pow’r and just command :
To the great House thy favour shall be shewn,
The Father’s star transmissive to the Son.”

At their Majesties Coronation, which was celebrated two days before this Instalment, his Lordship was made High Steward of *England* for that day only, when his person, post, and habit were so very graceful, that they really adorned the Procession, and made the Regalia still more illustrious.

Hear *Garth* :

“ When DEVONSHIRE appears, all eyes confess,
Aneasy grandeur graces his address.”

The next matter proposed was, that of turning the Convention into a Parliament, which was accordingly done, by an Act passed for that purpose.

This being accomplished, the House of Commons passed a Bill of great consequence, now known by the name of *the Bill of Rights*. This Bill was greatly promoted and closely attended to by the Earl of *Devonshire*, when it was depending before the Lords, which declares the rights and liberties of the

the subjects of *England*, and the Succession of the Crown as it had been settled by the Convention, and the same Bill farther declared the Succession to the Crown as follows : *To the King and Queen and their issue; after them to Princess Anne and her issue; and upon default of those, to the King and his issue.* In this Bill a Clause was inserted, for disabling all Papists, or those who should marry Papists, from inheriting the Crown; and in case it should so happen, the subjects were then absolved from their Allegiance.

The King, when this Bill was in agitation, declared to his Ministers; that the naming the Princess *Sophia*, of the House of *Hanover*, and her issue, to be the remainder in succession, would be very agreeable to him ; which being proposed to the Lords, it was agreed to, and a clause added for that purpose : But when the Bill was sent back to the Commons, his Majesty was greatly surprized to hear that this clause was strongly opposed by some in that House ; therefore, to prevent any embarrassment which might attend the other part of the Bill, it was thought proper to drop it at that time*, and let the Bill pass in the manner it was first sent up to the Lords, which was done accordingly. The behaviour of the Commons on this occasion made the King very jealous of some particular Members, from an apprehension that many of them were rather more inclined to a republican than to that of a monarchical government.

On the 2d of *March*, Sir *John Maynard*, *Anthony Keck*, Esq; and Sir *William Rawlinson*, were appointed Commissioners, or Keepers of the *Great Seal*. *Burnet* takes notice, that the great increase of the Chancery

* In 1691 the Duke of *Hanover*, afterwards *George* the first, King of *Great Britain*, was created the ninth Elector, which was obtained from the Emperor principally through the King's earnest request.

business had made many apprehend it was too much to be trusted with one person; and so it was resolved to put the Chancery in commission; and the Earl of *Nottingham* was proposed to be first, but he refused it. So *Maynard*, *Keck*, and *Rawlinson*, three eminent Lawyers, were made Commissioners of the *Great Seal*.

These Gentlemen being the first Commissioners that ever acted in hearing causes in the Chancery, (save in the time of the Usurpation,) a scruple arose, whether the committing the *Great Seal* into their custody, with the title of Lords Commissioners, was sufficient to qualify them for that end; or whether they had thereby a judicial power in respect to hearing causes equal to a supreme Judge, who bore the High Office of *Lord Chancellor*, or *Lord Keeper*? To obviate this doubt, an Act passed this year, wherein it was declared, "That the Lords Commissioners for keeping the *Great Seal* should execute their office with the same authority as the *Lord Chancellor*, or *Lord Keeper* *.

After this important matter was thus settled, my Lord of *Devonshire* now laid a state of his case before the House of Peers, concerning the excessive fine that had been imposed on him by the Court of *King's-Bench*, as well as the imprisonment he had suffered for refusing to pay it.

The Lords referred this case to the consideration of a Committee; who, after they had heard what the Judges said in their own defence, and the Committee had thoroughly examined into the whole affair, and

* *Sir Nicholas Bacon*, 1 *Eliz.* was appointed Keeper of the *Great-Seal*, but he doubting whether he could act in his high Office, the same as if he was *Lord Chancellor*, an act passed 5 *Eliz.* declaring, "That the authority of the Keeper of the *Great-Seal* was the same as that of the *Chancellor*;" so that by these two Acts of Parliament, these different great Officers have one and the same authority in the Chancery."

reported

reported it; the House, after some debate, declared, "That the Court of *King's-Bench*, in over-ruling the Earl of *Devonshire's* plea of Privilege of Parliament, and forcing him to plead over in chief, it being the usual time of Privilege, did thereby commit a manifest breach of the Privilege of Parliament. And that the fine of thirty thousand pounds, imposed by the Court of *King's-Bench* upon the Earl of *Devonshire*, was excessive and exorbitant, against *Magna Charta*, the common right of the subject, and the law of the land."

Their Lordships also farther declared, "That the Proceedings in the Court of *King's-Bench* against the Earl, and committing him in Execution to the *King's-Bench* prison for non-payment of the fine, was a great violation of the Privileges of the Peers of this Realm."

And in the conclusion of this very interesting affair, the Lords declared and adjudged, "That no Peer of this Realm, at any time, ought to be committed for non-payment of a fine to the King."

In short, there cannot be a stronger proof that the Earl had nothing vindictive in his temper, than the result of these proceedings: For tho' it was so easy for him to have gratified his personal resentment, by procuring a severe censure against those Judges, who had concurred in imposing so exorbitant a fine, and such an illegal imprisonment, yet we find, by the silence of the King's Council, that he did not chuse to push the matter on any farther. It was satisfaction enough to one of his humane and generous disposition, to have this public reparation for the injury he had received, and to ascertain the rights and privileges of the Peerage, whereof he was so great an ornament.

He next interested himself in getting repealed the unjust Attainder of his beloved friend, the Lord

Russel, besides others, all which he saw done by particular laws made for that purpose *.

* Mr. *Treby*, then Attorney-General, (when an Act of Grace was this session in agitation in the House of Commons, and several speeches were made *pro* and *con* on the occasion) publicly declared, "That he was not an advocate for the times of usurpation. The family I came of (says he) adhered to the Crown, and as I have suffered in *Charles* the first's time, I abhor those on the scaffold and those that sat in the Court of Justice. The more latitude you give your Committee, the better you will do your work. I would rather except some persons by name, but then you must do it by that way that some would exclude your Committee from; you except from pardon, and reserve them for hearing. Those who would establish Popery, I would not name, because they are in the dark. Those urged the prosecution of the Bishops, and the dispensing with Oaths and Test; they were great enormities; *but the destroying Corporations was the mother-treason, that brought forth all these. If the Judges had not so much law, they had so much wit as would have told them the thing you fear, viz. 'Your Judgment will destroy Parliaments: you dispense with thirty or forty Statutes.'* The most mercenary Judge in *Westminster-hall* would not have the courage to do this; they would never have done it, but they thought themselves Parliament-proof. 'It is but nominal (they say,) but not real; only a number of packed malefactors like yourselves, and no danger from them.' I can no more endure that these shall be pardoned, than to set open all the jails in *England*, to let loose rogues and malefactors. He that would have these pardoned, let that Gentleman stand up next after me, and say so. *There have been ill things in Courts, but much worse out of Court. They tried Holloway because they had Evidence; against Armstrong they had none. It is confessed we granted Holloway trial; there was enough against him; there was the virtue of that good man Sawyer; against Armstrong we had nothing, therefore tried him on the Outlawry, and he was hanged without trial.* Some are in the dark; no man knows their names. It is reasonable there should be no cramping a Committee; let them go into it without farther instructions." And so they did. When the Act passed, which was the next year, great regard was paid to what Mr. *Treby* said; and particular persons were excepted by name. See Stat. 2. of W. & M. cap. 10. See also the foregoing, p. 172.

An excellent discovery, indeed! of the wicked contrivances of certain avaricious, time-serving Protestant Lawyers, (for outwardly they professed that religion) to hunt down and destroy

His Lordship was so great an enemy to all arbitrary proceedings, that he expressed his abhorrence of them in the following lines :

“ O despicable state of all that groan
Under a blind dependency on one !
How far inferior to the herds that range
With native freedom o'er the woods and plains ?
With them no fallacies of schools prevail,
Nor of a right divine the nauseous tale,
Can give to one among themselves the power,
Without controul his fellows to devour :
To reasoning human kind alone belong
The arts to hurt themselves by reas'ning wrong.”

1690. Sir *John Maynard* * being grown vry aged,

destroy their fellow-subjects under form of Law, in order to second the views of artful designing Courtiers, bent on the destruction of all those who would not join with them in supporting the arbitrary projects of a tyrannical Popish Prince.

* Sir *John Maynard* was the eldest son of *Alexander Maynard*, of *Tavistock*, in the county of *Devon*, Esquire. In 1618 he became a Fellow Commoner in *Exeter College, Oxon*, and about the age of sixteen took the Degree of Bachelor of Arts ; from thence he removed to the *Middle Temple*, where he studied the Municipal Law, and was called to the Bar, and fortunately for him he was soon taken notice of by the famous *Mr. Noy*, Attorney General to King *Charles I.*, who much encouraged him, and was generally called his favourite, and by that means early came into business.

Wood thus sums up his character : “ This Sir *John Maynard* was a person, who by his great reading and knowledge in the most profound and perplexed parts of the Law, did long since procure the known repute of being one of the chief Directors of the Long Robe ; and by his great practice for many years together did purchase to himself no small estate ; and however obnoxious he hath rendered himself upon other accounts, yet I judge myself, out of sense of public gratitude, obliged to speak here in his just vindication, viz. that he did always vigorously espouse the interest and cause of his mother, the University of *Oxford*, by always refusing to be retained by any against her ; and whenever persons delegated by her authority for the management of her concerns, have applied themselves to him for his advice and assistance, he did most readily yield both, by acting his best on her behalf.”

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he held his post of one of the Lords Commissioners of the Great Seal but a very short time, for he resigned his high Office in the beginning of this year, and on the 9th of *October*, in the same year, he died at his house in *Gonnerbury*, in the County of *Middlesex*, and was buried in the Parish Church of *Eling*, near adjoining to it.

The Earl was one of those Lords who most warmly patronized the Bill for recognizing the King and Queen, and acknowledging them to be the rightful and lawful Sovereigns of these Kingdoms, and declaring the Acts of Convention valid in law. He was also very assisting to the Queen, whilst the King was absent in *Ireland*, in concerting such measures as might preserve peace at home, and quashing the designs of our domestic enemies, whilst we had so many powerful ones to contend with abroad. And it must be confessed, that, as magnanimous a Princess as Queen *Mary* was, she must have sunk under the burden, had she not had such able and faithful Counsellors about her as the Earl of *Devonshire*. For at this time affairs in *England*, as every one acquainted with our History knows, were in very great disorder, and never stood more in need of the wisest heads and the honestest hearts; to guard against the secret and open attacks of those, who had sworn the ruin of the present Constitution.

This year the Earl of *Devonshire* attended his Majesty to the glorious Congress held at the *Hague*, where, by the politeness of his behaviour, magnificence of his equipage, and splendid manner of living, he outshone most of the illustrious personages there assembled. He invited several of the Sovereign Princes to dinner, among whom the King himself was *incognito*; after which he waited on his Royal Master at the siege of *Mons*, and then returned to his native country, where his presence was necessary,
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and looked on himself as amply repaid for all the trouble and vast expence he had been at, in having thus testified his loyalty and affection to the great Preserver of our liberties.

1691. The sea-fight at *La Hogue**, the taking *Namur* by the *French* King in person, and the battle of *Steenkirk*, were the principal feats that happened abroad this year.

1692. This year the Peers having been in *Westminster-Hall* on the tryal of my Lord *Mobun*, for the murder of *Mountford*, and heard evidence on both sides, and being returned to their House, the question was put, whether the House should go on? it was resolved in the negative; content thirty, not content fifty. The Earl, upon this, with other Lords, entered a Protest, and assigned the following reason for it: "*Because (say they) it may*

* This victory was of infinite service. For as *Charles II.*, and *James II.*, held a close correspondence with *Lewis XIV.*, this occasioned the *French* to lay hold of so favourable an opportunity to encrease their naval power; which they so effectually did, that in the beginning of King *William's* reign they were become very formidable at sea. Even the *French* confessed, that they learned from the maritime powers the benefit of having a considerable fleet on the Ocean; which was so much improved, that in the space of twenty years they found themselves able to encounter either nation.

It is worthy of remark, that upon the news of this naval victory, King *William* caused all the artillery in his camp at *Bethlem* to be drawn up to the top of the hill upon the right of the army, that looked towards *Namur*, and placed the *Dutch* artillery upon the same hill to the left; after which the whole army got under arms, and then the general joy was expressed by a triple discharge of all the cannon and small arms, upon this glorious occasion. It was observed, as the *French* King was with his army before *Namur*, to gloss over the inward perplexity of his mind, upon hearing the roaring of the cannons, faintly said to those about him, "HERE IS A MIGHTY POTTER, INDEED! ABOUT BURNING TWO OR THREE SHIPS."

be of dangerous consequence in cases of blood." But five days after Lord *Mobun* was acquitted by a great majority.

1693. In the course of this, as well as the two foregoing years, the war was carried on, both by sea and land; but tho' we sometimes got the better, particularly at *La Hogue*, it generally proved unsuccessful; which occasioned loud murmurs among the people, and raised such party feuds and dissensions, that, in order to content the nation, it was found absolutely necessary to make many changes in the Ministry. Sir *John Somers* had now got great reputation, both in his post of Attorney-General and in the House of Commons, so the King gave him the *Great Seal**: But the conduct of my Lord *Devonshire* had been so unexceptionable as to have gained him universal esteem, and therefore, amidst all these changes, he still continued in his post; in short, he had the peculiar felicity, which few

* Lord *Somers* was very learned in his own Profession, with a great deal more learning in Divinity, Philosophy, and History. He had a great capacity for business, with an extraordinary temper: He was gentle perhaps to a fault, considering his post, so that he had all the patience and softness, as well as all the justice and equity, of a great Magistrate.

Hear *Garth's* poetical character of his Lordship:

"Haste, and the matchless *Atticus* address,
From Heav'n and great *Nassau* he has the Mace,
Th' oppress'd to his *Asylum* still repair;
Arts he supports and learning is his care.
He softens the harsh rigour of the laws,
Blunts their keen edge, and cuts their harpy claws;
And graciously he casts a pitying eye,
On the sad state of virtuous poverty.
Whene'er he speaks, Heav'ns! how the list'ning throng
Dwells on the melting music of his tongue.
His arguments are the emblems of his mien,
Mild, but not faint; and forcing, tho' serene:
And when the power of eloquence he'd try;
Here lightning strikes you; there soft breezes sigh.

statesmen

statesmen could ever boast of, that is, of gaining the love both of King and people at the same time.

1694. This year, the Earl having long seen, with regret, that there were certain internal disorders which insensibly gained ground on the body politic, and, if not checked by some seasonable remedy, would eat out the vitals of the soundest constitution, consulted with some other Patriots, who joined with him in opinion, that the holding of frequent Parliaments would be of infinite service to the nation, and might, upon account of the shortness of its continuance, prevent corruption in the electors; a grievance which had been universally complained of. For this noble end he obtained a law, whereby it was enacted, that a new Parliament should be called every third year. The Legislature, whose wisdom and integrity far be it from me to call in question, thought proper afterwards, in the reign of King George the first, to enact, that this august Assembly should be convened every seventh year; and no doubt even septennial Parliaments may answer the same great end, were the laws in being strictly executed; but sorry I am to be forced to say, that venality, bribery, and perjury itself have at times become so common in many parts, to the disgrace both of religion and morals, that they seemed to have been reduced into a system; insomuch that a little dirty B——h might once be bought for a certain price, as easily as a bullock in *Smithfield*: But it is hoped that now-a-days there is no just cause for such a complaint.

This year their Majesties, a little before the King went abroad, were pleased, as a lasting token of the great regard they had for the Earl, to raise him to the dignity of a Duke. The motives alledged in the Royal Patent do him more honour than even the Princely title conferred on him. Herein it is declared, “ That the King and Queen could do no

less for one who had deserved the best of them : one who, in a corrupted age, and sinking into the basest flattery, had constantly retained the manners of the ancients, and would never suffer himself to be moved, either by the insinuations or the threats of a deceitful court, but equally despising both, like a true assertor of liberties, stood always for the laws, and when he saw them violated past all other redress, he appealed to us ; and we advising with him how to shake off that tyranny, he, with many other Peers, drawn over to us by his example and advice, gave us the greatest assistance toward gaining a most absolute victory without blood ; and so restoring the antient rights and religion.”

This new dignity, built on so glorious a testimony, which will stand as an everlasting monument both of the Duke's extraordinary merit, and the gratitude of those discerning Princes, with the Garter, the White-Staff, the Justiceship in *Eyre**, and Lieutenantancy and Custos Rotulorum of *Devonshire*, were as much honour as an *Englishman* could well enjoy : And as a farther mark of the great confidence the King put in him, he was seven times after the Queen's death appointed one of the Lords Justices for the administration of public affairs during his Majesty's absence. His Grace, in short, had the signal honour of being the only temporal Peer that was in every one of these commissions.

The only remark we shall make, with regard to the present Patent, is, that tho' we believe it is the custom to assign some reasons in every Patent of this kind, whereby it may appear, that the person

* The word *Eyre* comes from the obsolete *French* word *Erre*, a journey. This office relates to those Judges, who used formerly to journey up and down every third year, to take cognizance of wastes, and other disorders committed in the King's forests,

enobled is not wholly unworthy of his title ; yet, if we look back to former times, we shall find, there are not instances wanting, in our country as well as others, where such expressions are only mere form ; nay, more, we may venture to add, that on some occasions such virtues have been attributed to them, and declared as the motives of their enobling him, which every one of their contemporaries knew they were totally destitute of. Whereas the Patent before us was what the whole nation knew to be founded in truth, and that the sublime title conferred on one, who had risked so much in his country's cause, and done it so many and signal services, was no more than due to his merit.

A late writer justly observes, on this head, that even those who differed from the Duke's political principles, acknowledged, that greatness could not be better bestowed. Every accession of honour he received only served to remind the public of his patriotism during the two preceding reigns, wherein his conduct plainly discovered, no less than in the present, that he was of no party save that of being a zealous friend to his country.

This year, in the Parliamentary Proceedings, a Bill was read in the House of Lords, as to altering the method of the calling and meeting of Parliaments, which the House passed.

His Grace, with three other Peers, protested against it; saying, " It tended to the continuance of the Parliament longer than they apprehended was agreeable to the constitution of *England*, besides the ill consequences which, in many respects, might attend it "

In the same Session a Bill was read, for making wilful and corrupt perjury, in certain cases, felony. The question being put, whether it should be engrossed, it was resolved in the negative.

The Duke of *Devonshire*, and other Lords, entered their Dissent for this reason: "Because (say they) it has appeared, in too many instances, not only in former times, but very lately, how great need we have of such a Bill as this, to deter men from those pernicious crimes of perjury, and subornation of perjury.

Soon after the King's return from *Holland*, the Queen, who, in his absence, held the reins of Government, and by her own excellent behaviour in private life, had set the Court Ladies, who had the happiness of attending on her, an example as to what was necessary to dignify and adorn the sex, was seized with the small-pox, the malignity of which proved fatal to her. The King, as well he might, was inconsolable at the loss of such a consort, for whom he had always expressed the tenderest affection, being a Princess totally the reverse of his predecessor's; who, by the natural sweetness of her disposition, uncommon share of prudence, and greatness of soul in the most imminent dangers, helped to alleviate his perpetual cares and fatigues, and to lighten that burden, which would otherwise have proved insupportable. For how charming a thing soever a Crown may appear to some, perhaps no Prince ever found one lined with sharper thorns.

Upon this irreparable loss, his Grace of *Devonshire*, who had so long been an ocular witness of the virtues of this amiable Princess, since he could now no longer be blessed with her presence here below, composed a most beautiful Ode to her memory, wherein there appears such an exquisite strain of unaffected grief, such passionate expressions, as can come from nothing but the heart, and at the same time every sentiment conducted with no less judgment than heightened with all the charms of poetry, that a man must be lost to all the feelings of gratitude and humanity, who can read it without being sensibly touched. *Dryden*, a most excellent,

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connoisseur in such pieces, preferred it to every thing which had been written on that occasion; which, we think, must give one a very high idea of this masterly performance, as so many of the best poets of those times exerted their talents on the same subject. It cannot, we presume, be unacceptable to the Reader to lay before him a small specimen of those admired lines, to justify the truth of our remarks.

“ Fatal to the fair and young,

Accurs'd disease how long

Have wretched mothers mourn'd thy rage,
Robb'd of the hope and comfort of her age!

From the unhappy lover's side,
How often hast thou torn the blooming bride!

Now like a tyrant, rising by degrees
To worse extreams, and blacker villanies,
Practis'd in ruin for some ages past,
Thou hast brought forth a general one at last.”

Again :

“ The hero to the man gives way,

Unhappy isle for half an age a prey,
To fierce dissention; or despotick sway;

Redeem'd from 'anarchy to be undone
By the mistaken measures of the Throne.

Thy Monarchs meditating dark designs,

Or boldly throwing off the mask,

Fond of the power, unequal to the task;

Thy self without remaining signs.”

1696. The Parliament being met, an Act passed for regulating trials in cases of High Treason, wherein Council was allowed to the defendants*: Which

* From the 25th of *March*, 1696, a person indicted for High Treason to have a copy of the indictment five days before trial, paying for the same, and the prisoners to make their defence by Council, and the witnesses to be examined on oath; and the Court was directed to assign the prisoners Council. No person shall be convicted of High Treason, except there be two witnesses; one witness to one and another to another branch, shall not be deemed two witnesses, within the meaning of the act. No person shall be indicted for Treason unless within three years after the offence, save where there had been a design to assassinate the King or Queen, &c.

being of the utmost consequence to the subject, was most vigorously promoted by the Duke, as every thing always was, which had the least tendency to prevent oppression. It was also provided in this Act, that no Peer from henceforward should be tried by a detached party; but by the whole body of the Peerage, who were to be summoned for this purpose. It is much to be wished that, even in cases of felony, which in some instances is liable to little less forfeitures than those of High Treason, Council were also allowed to the defendant.

The Assassination Plot broke out about the latter end of the year 1695. Many were apprehended, brought to their trials, convicted, and executed. Among those in custody for this horrid design, was Sir *John Fenwick*. *Burnet* gives us to understand, that his affair was laid before the Parliament, and a Bill brought in to attain him of High Treason; and that, whilst this Bill was depending in the House of Lords, the Duke of *Devonshire* had a great share in the Debates; and having, before this, been one of those who examined *Fenwick* in *Newgate*, he was somewhat inclined, as it is said, to save him, on account of some discoveries he made. However, the Bill passed by a small majority of only

Persons to be tried are allowed a copy of the panel of the jury, two days before trial.

No evidence to be allowed of any matter that is not laid in the indictment.

No indictment to be quashed for miswriting, &c. unless exception be taken before evidence given; and that if any judgment be given, then if there be miswriting, &c. no advantage shall be taken, otherwise than by a writ of error, &c.

The Jury that tries the party shall be twelve, and all Freeholders.

Upon the trial of Peers, all the Lords shall be summoned twenty days before trial. This act not to extend to impeachments in Parliament, nor to the counterfeiting the coin, &c.

See Stat. at Large, 7 and 8 of W. III. cap. 3.

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seven in the House of Lords. Some said that the Duke's opposition arose from this, that, tho' *Fenwick* was undoubtedly guilty, as himself confessed at the place of execution, yet he thought that such a law made *ex post facto* might be of dangerous consequence, and serve, one time or other, to involve the innocent, tho' it now only did the criminal.

But a late writer says, that the reason for his Grace's opposing the passing the Bill, was owing to his regard for the forms of law, which made him averse to any extraordinary Judicial Proceedings, for fear of leaving such a precedent as might hereafter be misunderstood or misapplied. His Grace was remarkable in this particular, not as to paying regard to the authority of others, but for that of following his own judgment.

1698. The resolution which the Commons had taken this year, with regard to the resumption of the Lands in *Ireland*, was couched in terms so disrespectful to the King and his Ministers, that, when it was sent up to the House of Lords, the Duke opposed it with great firmness, as thinking it derogatory to the royal honour, and it was chiefly thro' his opposition that the Bill was lost *. His Grace's firmness and address on this occasion, as a modern author observes, was of infinite service to the King and the public peace.

Tho' no man on earth had higher sentiments of liberty than the Duke, yet he had no notion that the rights of the people were to be built on affronts offered to Majesty, and breaking in upon the Prerogative. In short, his patriotism did not consist in blind zeal, scurrilous invectives, or raising popular

* The Commons were so enraged at this, that a motion was made for addressing his Majesty to remove Lord Chancellor *Somers*, an intimate friend of the Duke's, from his Council and presence for ever, but, thro' his Grace's means, it was rejected.

clamours,

clamours, but on the solid maxims of unbiaſſed reaſon and mature reflection. Long experience had fully convinced him, that whatever leſſens the people's veneration for their Sovereign, only ſpurs them on to trample on all order and decency, and in the end redounds to the prejudice of thoſe who were the firſt promoters of ſuch clamours.

1699. It cannot be doubted, that the peace of *Reſwick*, concluded in 1697, whereby the *French King* found himſelf compelled to recognize King *William's* right and title to the Crown, muſt have given no ſmall pleaſure to the Duke, who had taken ſuch indefatigable pains to place it on that great Prince's head; tho' it does not appear that he had any particular hand in ſettling the other Articles, or was, the laſt year, materially concerned in any ſtate-matters, particularly in the Partition Treaty, we mean as to negotiating it, which afterwards raiſed ſuch a flame, not only in *England*, but over all *Europe*. It occaſioned, indeed, ſuch heats and diſſentions among the great men at Court, that Sir *John Somers*, who had been created a Peer*, and made Lord Chancellor, was at laſt removed from his high Office, on account of the part he acted in that Treaty.

As the Duke was well acquainted with this able Miniſter's uprightness and integrity, he therefore intereſted himſelf very much on his behalf, which leads us here to explain this tranſaction in reſpect to the Partition Treaty more fully. The Reader has obſerved, that there was a ſtrong party formed in the Houſe of Commons againſt my Lord *Somers*, who, tho' they did not, as we have ſaid, ſucceed in their attempt to get my Lord *Somers* removed at that time from his high Office, which was principally owing to the Earl's firmneſs and zeal on

* Lord *Somers*, Baron of *Eſſham*, in the County of *Worceſter*, 22d of *April*, 1697.

the occasion, yet they still continued to watch every opportunity that offered, to effect what they closely attended to. This Treaty of Partition gave great umbrage to the then leading men in the House of Commons, and as his Lordship had, in virtue of his office of Lord Chancellor, put the Seal thereto, they made use of that, and some other secondary matters, to draw from thence Articles of Impeachment against my Lord *Somers*.

These secondary matters we shall begin with; you must know that the King, the better to support his dignity of Lord High Chancellor, as well as that of his Peerage, granted him the Manors of *Rygate* and *Howleigh*, in the County of *Surry**, and a pension of 2500 *l.* a year out of the Fee-farm rents†; a bounty which, however it might raise envy in some, yet could justly offend none‡, if it is rightly weighed and properly considered.

* These manors formerly belonged to the Lord *Monson*, who forfeited them to the Crown, by being one of the Regicides of King *Charles I.* On the Restoration they were given to the Duke of *York*, on whose Abdication they were again vested in the Crown. The yearly value was about 600 *l.* a year; besides giving Lord *Somers* an opportunity of recommending a Member to the House of Commons, which he did in the person of his friend *Stephen Harvey*, Esq; whose Translation of the *Passion of Byblis*, from *Ovid*, and some other pieces, occasioned him to be ranked amongst *Tonson's* authors. The grant of these manors was at first made to Sir *Joseph Jekyll*, in trust for my Lord.

† The persons trustees for this grant were, *Humphry Herbertington*, *Richard Adney*, *Leonard Hancock*, Esq; and Mr. *John Warner*, a Goldsmith, in *London*.

‡ The Author of his Life justly observes, that his practice as Attorney General could not amount to less than 4000 *l.* a year; and adds, "that as the Office of Lord Keeper is very expensive and precarious (which Office he was first in) and as it was never known, that a Lord Keeper returned to the Bar on the loss of his office, it would be very hard if the Crown might not make some amends to those great men who serve it, for the interest they part with, in undertaking that service."

Whilst the King was in *Holland*, he sent Lord *Somers* a letter, in regard to the Partition Treaty; to this his Lordship sent an answer †, which shews both the soundness of his judgment and the honesty of his heart.

1700. The next year he was removed from his post of Lord Chancellor * by the King ‡, in order to gratify a body of men, then called the Tory-Party, who were now getting the ascendant ||. In 1701

† The King's Letter and my Lord's Answer may be seen in the *Gen. Dictionary*, vol. ix. p. 286. When the draught of the Treaty was read in Council, the Earl of *Devonshire*, Lord *Somers*, and some others made objections, but they were answered it was too late, and a Warrant coming from the King to affix the Great Seal to it, he was no longer at liberty to dispute the matter.

* *Burnet* says, the Order for his giving up the Seals was brought by my Lord *Jersey*. *Kennet* says, by the Earl of *Portland*.

‡ *Burnet* gives the best account of this affair. The King was bent on a war. The Earl of *Rocheſter*, Sir *Edward Seymour*, Mr. *Harley*, and all the Tory Party, insinuated to the King, that if he would take the Seals from Lord *Somers*, the House of Commons would be in such a good humour that they would concur in all his measures. The Earl of *Albemarle*, who had supplanted Lord *Portland*, gave into this advice, but with a different view from those who gave it. His design was, to gain over the *Tories* to the King's interest; their's to distress the King's affairs. On his coming to Court after his illness, the King told Lord *Somers*, "it seemed necessary for his service he should part with the Seals, and he wished he would make it his own act." My Lord, who had consulted his friends (tho' *Burnet* does not mention it, the Earl of *Devonshire* was one of them) excused himself from this, as implying guilt, or fear; but he told his Majesty, "if he would send a Warrant for the delivery of the Seals, it should be obeyed; and accordingly the King took that method." But *Oldmixon*, (an author not much to be relied on,) gives a different account, as from my Lord *Somers* himself. See the *General Dictionary*, vol. ix. p. 287. Notes, col. 2.

|| On this Dr. *Kennet* (for whom my Lord *Devonshire* had a particular friendship, of which we shall give some instances hereafter) makes a judicious remark: "From whatever motives his Majesty made this step (says he) whether his own determination

he was impeached by the House of Commons of High Crimes and Misdemeanors. The first step taken in this remarkable affair, was occasioned by the Debate in that Assembly on the Partition Treaty, when it was resolved to prosecute all the Ministers that were concerned in it. The Earls of *Portland* and *Orford* were first accused; Lord *Somers's* turn came next, and on *May* the 19th Mr. *Harcourt* * carried up the Impeachment against him to the Lords.

While this matter was depending in the Commons, my Lord in person attended the House, (*May* 10th,) and desired to be admitted; and a chair being allowed him within the Bar, he made an elegant speech in his own defence †, yet it made no impression on those who were bent to ruin him ‡. The Articles of Impeachment were in number fourteen ||,

termination or the impulse of a new favourite (the Earl of *Rocheſter*;) it lost him abundance of true friends, without gaining him a *real* one." He adds, " That tho' his Lordship's removal displeased many, yet it seemed not to affect himself, who retired with conduct and temper, and on all occasions in Parliament served the King and his Country as truly as if he had not lost his Place."

* Afterwards Lord Chancellor, and who put the Seals to the Treaty of *Utrecht*. They also impeached the Lord *Halifax*.

† See the substance of it in his Life.

‡ As soon as he withdrew, they resolved him guilty; and on *May* 16. addressed the King to remove Lord *Somers* from his Person and Councils for ever.

|| I. *For not obstructing the Partition-Treaty, and for ratifying it under the Great Seal.* *Answ.* He appealed to his Letter in answer to the King's with regard to the first part of the charge; and as to the second, he pleaded his Majesty's Warrant, which he could not disobey. II, III, IV, V, and VI, all relate to the same subject. VII. *For advising the making and passing exorbitant Grants of the Crown Land: in England, and forfeited Estates in Ireland.* *Answ.* To this he replied, That those Grants came to him regularly passed thro' the proper Offices, with his Majesty's Warrant to seal the same; that he believed much more considerable Grants have been so sealed, in the same number of years, by his predecessors in the Office, and denies he had ever any hand in promoting or procuring such Grants. VIII, *related to the Grants made to himself of the*

to which my Lord put in his answer. But the Lords were so far from encouraging the censorious disposition of the Commons that they addressed the King, "Not to pass any censure on the four impeached Lords, till the Charge depending against them, in

Manor of Rygate in Surrey; and Articles IX, X, XI, and XII, to the manner of his acquiring these Grants. Answer. He pleaded his Majesty's free Bounty; and as it was obtained by no sinister methods, thought his acceptance of it lawful. As to the other Articles, he urged, that if it was legal for him to accept the Donation, it was certainly legal to use all methods to secure the possession of it. Article XIII, *was a Commission granted to Kidd (since convicted for Piracy) to make depredations by Sea. Answer.* To this he alleged, That the Commission then granted to Kidd was to prevent Piracy, and apprehended necessary for the security of trade and navigation; that Kidd was not at that time known to be a dishonest man, and that by his villainy he had cheated the proprietors, who fitted him out, of all their expences.

[*N. B.* To understand this Article, it is proper to relate the fact. Great complaints had been made of the insolence of some Pyrates in *America*, and the more effectually to restrain them, the King had made the Earl of *Bellmont* Governor of *New England* and *New York*. As soon as his Promotion was known, several persons concerned in the Colonies applied to him; amongst the rest, Col. *Robert Livingston*, a Gentleman of Fortune in *New York*, who confirming the complaint, recommended *Kidd* as a proper person to suppress the evil, if he might have the command of a King's frigate. But tho' King *William* approved the proposal, the Lords of the Admiralty, on account of the war, were not able to spare a ship. *Livingston* therefore set on the project, proposed it should be done by private adventurers, to be repaid out of the effects taken by these pyrates, offering to take a fifth part in the expence. Upon this the Lord Chancellor *Somers*, the Duke of *Shrewsbury*, and the Earls of *Romney*, *Orford*, and *Bellmont*, with Sir *Edward Harrison* and some Merchants, formed an association to equip *Kidd* in a stout vessel; who cheated them all, and turned pyrate himself. He was afterwards taken at *New York* and sent to *England*; but tho' endeavours were used to make him accuse Lord *Somers*, he declared his innocence to the last.]

Article XIV. *That as Lord Chancellor he had delayed Proceedings, and reversed Judgments arbitrarily and illegally. Answer.* This he denied.

their

their House was tried." Accordingly *May* the 24th, 1701, the Lords sent Sir *John Hoskins* and Sir *Robert Legard*, two Masters in Chancery, to carry down the Lord *Somers's* Answer to the Commons, which was read in their House the 27th, and committed to a Committee. But their Lordships perceiving the Commons dilatory, sent a second Message by the same Gentlemen, *May* the 31st, acquainting them they had appointed *June* the 9th for the trial of the Earl of *Orford*. The Commons, on this, took fire, and insisted that the Lords had no right to fix a day of trial, without previously giving them notice. This occasioned a Conference, *June* the 6th, which, neither House being inclined to give up the point, produced no effect, as well as a second, held on the same subject. In short, on *June* the 12th, the Lords sent to inform the Commons, by Dr. *Newton* and Mr. *Geary*, that they intended to proceed to the trial of Lord *Somers*, *June* the 17th, in *Westminster-Hall* *. The Commons still persisting not to appear at the trial till the Preliminaries were adjusted, another free Conference was held *June* the 13th †, in which Lord *Haversham* dropping some unguarded words, the Commons voted the expressions false and scandalous, and demanded justice. The Lords, on this, desired another free Conference, but the Commons were deaf, in their turn, still insisting on satisfaction. *June* the 16th Lord *Somers* acquainted the Lords, that he had several material witnesses, Members of

* The Lords, on this, came to two remarkable Resolutions: " 1. That no Lord of Parliament impeached for High Crimes and Misdemeanors, shall, on his trial, be without the Bar. 2. That no Lord so impeached shall be precluded from voting on any occasion, unless at his own trial.

† The chief Managers for the Commons were, Sir *Bartholomew Shower*, Sir *Christopher Musgrave*, and Mr. *Harcourt*; for the Lords, the Duke of *Devonshire*, Lord *Haversham*, &c.

the House of Commons*, and desired they might have leave to attend his trial. Their Lordships granted him Council†, and summoned several witnesses‡. Every thing being prepared, the Lords assembled in *Westminster-hall*, June the 17th, in great form; but the Commons had the same day come to a resolution, not to appear at the trial, and sent their reason of absence up by the Lord *Dysert*, and immediately adjourned. To conclude, the Lord Keeper § putting the question, *That JOHN Lord SOMERS be acquitted, and the Impeachment dismissed*; it was carried in the affirmative, by a majority of 56|| to 32¶, and his Lordship was accordingly discharged with the honour due to his merit and innocence.

* Sir *Stephen Fox*, *John Smith*, *William Lowndes*, *Stephen Harvey*, and *William Gulton*, Esquires.

† Serjeant *Pratt*, father of the present Lord Chief Justice of the Common Pleas.

‡ Sir *John Talbot*, Sir *Edward Harrison*, *Robert Yard*, *John Ellis*, *John Tucher*, and *Leonard Hancock*, Esquires, *John Tenb* and *William Popple*, Gents.

§ Sir *Nathan Wright*, whose character was an excellent foil to his predecessor's.

|| The Archbishop of *Canterbury*, the Dukes of *Newcastle*, *Schenberg*, *Bolton*, *St. Alban's* and *Norfolk*; the Lord Steward [Duke of *Devonshire*,] and Lord Privy Seal; the Earls of *Huntingdon*, *Suffolk*, *Dorset*, *Rivers*, *Stamford*, *Kingston*, *Essex*, *Bath*, *Burlington*, *Shaftsbury*, *Macclesfield*, *Radnor*, *Berkley*, *Plymouth*, *Montague*, *Scarborough*, *Romney*, *Rochford*; Bishops of *Salisbury*, *Bangor*, *Ely*, *Lichfield* and *Coventry*, *Norwich*, *Peterborough*, *Glocester*, *Bristol*, *St. Asaph*, *Lincoln*, and *Chichester*; the Viscount *Say and Seale*; the Lords *Abergavenny*, *Fitzwalter*, *Eure*, *Wharton*, *North*, *Lovelace*, *Mobun*, *Byron*, *Colepepper*, *Lucas*, *Rockingham*, *Barkley*, *Granville*, *Cornwallis*, *Oshorne*, *Ossulston*, *Herbert*, and *Haverham*.

¶ Not contents, Dukes of *Somerset* and *Northumberland*; Marquises of *Lindsay* and *Normandy*; Lord Chamberlain; Earls of *Oxford*, *Derby*, *Denbigh*, *Peterborough*, *Carnarvon*, *Thanet*, *Scarsdale*, *Fewersham*, *Nottingham*, *Rocheſter*, *Abingdon*, *Plymouth*, (*Jersey*,) *Marlborough*, and *Warrington*; Viscount *Weymouth*; Bishops of *London*, *Rocheſter*, and *Exeter*; Lords *Delaware*, *Hunsdon*, *Howard of Eſcrick*, *Jermyn*, *Lexington*, *Dartmouth*, *Gulford*, *Godolphin* and *Jefferies*.

The

The Commons, however, on *June* the 20th voted these Proceedings of the Lords, "A refusal of justice, an overturning the antient Constitution of the Kingdom by invading the Rights of the Subject, and granting an impunity to offenders," and concluded with laying at their door all the ill consequences of this difference. On the other hand, the Lords declared these Votes reflecting on their Honour, and destructive of their Judicature; so that his Majesty, to stop the further progress of these disputes, was obliged, on *June* the 24th, to put an end to the Session.

Thus ended the impotent attack of a faction against this truly great *Chancellor, Minister, and Statesman*, than whom no man ever more readily pursued the paths of *justice, honour, and integrity*; and indeed his worth and virtue never appeared so eminently as on this occasion, for the Charge *against* him was exaggerated beyond the bounds of *truth*, and heightened with all the rage and bitterness of party: The *Commons* themselves seemed apprehensive of the defect of proof to support their accusation, as appears from their laying hold of the slightest pretence to drop it. In short, the chief reason that induced the Duke of *Devonshire* to enter so minutely into this matter, was, upon account of the great friendship between him and Lord *Somers*, and consequently his being honourably acquitted was as equally pleasing and satisfactory to the former as it could possibly be to the latter.

After this Lord *Somers* retired to a solitary and studious life, at an agreeable seat, near *Cheshunt* in *Hertfordshire*. He was at that time chosen President of the *Royal Society*, of which he had been long a Member. Here he amused his leisure hours with the most elegant entertainments*, and shewed the ge-

* He had collected a noble library, with an excellent cabinet of Medals and Prints, in which he was an exact connoisseur.

nerosity of his mind, by raising and patronising learned men, of whom Mr. *Addison* was one instance*; nay, even the undeserving were not excluded from his bounty and compassion†.

four. He had also a choice collection of tracts and manuscripts chiefly relating to the *English* history, which, on his death, came into the hands, as some say, of his brother-in-law, Sir *Joseph Jekyll*, late Master of the *Rolls*, and very probably have, since his Honour's decease, come into the hands of the present Earl of *Hardwick*, who married a relation of the latter.

* In 1695 Mr. *Addison* having wrote a Poem to King *William* on one of his Campaigns, addressed it to Sir *John Somers*, then Lord Keeper, who returned his compliment by a message, desiring his acquaintance. Soon after, by his interest, he procured Mr. *Addison* a pension of 300*l.* a year from the Crown, to support him in his travels, an account of which being published in 1705, the author dedicated it to Lord *Somers*; which follows:

“ My Lord,

“ There is a pleasure in receiving obligations which it is an honour to have received; but should I publish any favours done me by your Lordship, I am afraid it will look more like vanity than gratitude.

“ I had a very early ambition to recommend myself to your Lordship's patronage, which yet encreased in me as I travelled through the countries of which I here give your Lordship some account; for whatever great impressions an *Englishman* must have of your Lordship, they who have been conversant abroad will find them still improved. It cannot but be obvious to them, that tho' they see your Lordship's admirers every where, they meet with very few of your well-wishers at *Paris* or at *Rome*. And I could not but observe, when I passed thro' most of the Protestant governments in *Europe*, that their hopes or fears for the common cause rose or fell with your Lordship's interest or authority in *England*.

“ I here present your Lordship with the remarks that I made in a part of these my travels; wherein, notwithstanding the variety of the subject, I am very sensible I offer nothing new to your Lordship, and can have no other design in this address than to declare that I am, &c.”

† The author of his life tells us, that he sent one Clergyman of learning, (tho' a man of ill morals,) 400*l.* to relieve his necessities, on condition he would forbear his attendance on him.

Now to return. This year, 1701, the unfortunate King *James* ended, in *France*, a life, overwhelmed with chagrin, at the many unsuccessful projects he had formed to regain a Crown, which, by his mal-administration, he had rendered himself so unworthy of; his example may be an eternal warning to future Princes, that where they have lost the affection of their subjects, neither wealth, alliances, fleets, nor armies can secure the possession of their Thrones *. Soon after this, an Act passed to attain the pretended Prince of *Wales*, and for abjuring him.

1702. The latter end of *February*, the King had the misfortune of falling from his horse, and there-

* On the first day of *May* 1701, died that great poet *John Dryden*, Esq; Poet-Laureat to the above unfortunate Prince, of whom we have often spoken during the four last years of King *Charles* the II^d's reign; and was buried in *Westminster-Abbey*, where a monument has been since erected over him, at the expence of *John*, late Duke of *Buckingham*. He lay buried for several years without one, which *Mr. Pope* took notice of in his Epitaph designed for *Mr. Rowe*, in which is this line, speaking of *Dryden*,

“ Beneath a rude and nameless stone he lies.”

We are informed the Duke of *Buckingham* took the hint as to erecting the monument from that line, and intended to have it inscribed as follows:

“ This *Sheffield* rais'd, the sacred dust below

Was *Dryden's* once, the rest who does not know,”

Which was afterwards changed to this,

J. DRYDEN.

Natus, Aug. 9, 1631.

Mortuus, May 1, 1701.

He was son of *Erasmus Dryden*, third son of Sir *Erasmus Dryden*, Bart: He was first educated under the famous Dr: *Bushy*, and from thence removed to *Trinity College* in *Cambridge*. He wrote a poem on the death of *Oliver Cromwell*, but at the Restoration he penned a panegyric on the Coronation of King *Charles* II. He addressed also a poem to the Lord Chancellor *Hyde*. In 1668 he was made Poet Laureat, and the part he acted in that capacity, as to flattering the King and his courtiers, we have before related.

Soon after the accession of King *James* II. he turned Papist, and at the Revolution he was dismissed from his office of

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by fracturing his collar-bone. And as the Parliament was then sitting, he sent a message to the two Houses, earnestly recommending the setting on foot a treaty of union between the two kingdoms, which he foresaw would be of infinite consequence to both. And as he found himself declining, he signed by commission an act, which he had much at heart, as the only means of giving stability to the glorious fabric he had raised for settling the succession in the House of *Hanover*, in case the Princess *Anne*, who was the next heir to the Crown, should die without issue, (as the Duke of *Gloucester* was now dead.) This was the last legacy bequeathed us by that great Prince, and we should be the most ungrateful people in the world not to acknowledge, that to this we owe our present blessings. For, notwithstanding all he had hitherto done to preserve the constitution, yet no man of the least reflection can doubt, that, had the succession

Poet-Laureat. In short, even to relate the many pieces he wrote, so as to give the Reader a tolerable idea of them, would take up much more room than the compass of a note will allow. However, we cannot forbear here to mention, that Mr. *Congreve*, an excellent poet in King *William* and Queen *Anne*'s reigns, drew up a character of Mr. *Dryden*, as a poet, and sets him in the amiable light he deserves. Mr. *Dryden*, in return, among other lines, addressed the following to Mr. *Congreve*:

“ Be kind to my remains and, O! defend,
Against your judgment, your departed friend!
Let not th'insulting foe my fame pursue,
But shade those laurels which descend to you.”

It is here to be remarked, that Mr. *Dryden*, tho' a time-serving Court poet, did not in any of his compositions throw out the least reflection on the character of the Duke of *Devonshire*, in the reigns either of King *Charles II* or King *James II*, tho' his Grace, during those periods, was one of the principal persons that generally opposed Court-measures.

But some have believed, that the chief reason *Dryden* declined taking any satyrical liberty with his Grace's character, was, he knew the Duke was of so gallant and brave a disposition, that he would not suffer such to pass without properly resenting it. It is, we think, *happy for certain men*, there are now-a-days few if any of the Duke's turn of mind.

not been thus fixed, we should have been involved in inextricable labyrinths and confusion, and perhaps become a prey to our enemies, or felt, to this very day, the horrors of a civil war, till we had consumed each other. In conferring so inestimable a benefit on us, that immortal hero may be compared to the dying lamp, which gives the brightest blaze just before it expires: or rather to the descending sun, which often appears in the greatest lustre at the approach of night. For, next day after his signing the last act, he departed this transitory life, on the 8th of *March*. It will be easily believed, that there was not a Nobleman in the three kingdoms, who more vigorously promoted or more heartily concurred in the act, as well as in the motion for bringing about the Union, than his Grace the Duke of *Devonshire*.

When we take a view of the two preceding reigns, we shall find our Princes were dreaded at home, and despised abroad. With what veneration must we look on a Prince, who, by his valour and conduct, not only restored to the *English* nation that figure we had lost in the world for near an hundred years past, but raised us to a far greater than we ever had before; a Prince, who, in all he did for the common safety of *Europe*, had no brighter examples to follow, than those of his own ancestors; for when others fought for dominion and power, vain empty notions, and destructive to mankind, it was ever a glory peculiar to the house of *Nassau*, to have fought for liberty, the noblest cause, and the greatest stake that mortals can contend for. Let some Princes pretend to fading laurels, by depopulating countries, oppressing their neighbours, and enslaving free people; the surest and best way to transmit a glorious name to posterity, is to relieve the oppressed, break off their fetters, and set the world at liberty.

Such actions as these require no varnish to set off their true lustre, whilst those are obliged to make use of

false colours to palliate the highest injustices: let them value themselves upon a greatness borrowed from schemes, that could hardly fail, as being transmitted to them from the long experience of the ablest Ministers, and most refined Statesmen of the age*. That Prince, who, without these helps at his first appearance on the stage of the world, by the mere strength of his own genius, surmounted difficulties, that would have palled any courage but his own, and at length broke all those measures, which had been formed for the enslaving of *Christendom*, cannot fail to make one of the noblest and brightest figures in history.

If it be the Prerogative of the Almighty power and goodness to set bounds to the raging of the sea, it must be the highest and most justifiable imitation of it, to put a stop to the ambition of men, and to shelter nations from their fury. It is in this sense chiefly that Kings may be called Gods; and it were a pity that the lives of such were not as immortal as their deeds. The memory of that Prince must be lasting, who, in all the wars he was engaged in, and

* Cardinal *Richieu* is generally allowed to have been one of the ablest Ministers that ever steered the helm of the *French* Monarchy. The plan he had formed for universal Empire, by first subduing his neighbours, and then by degrees destroying the power of *England*, was built on such exquisite policy, and so well pursued by his successors, that nothing but the overruling hand of Providence could have disconcerted his measures, by raising up a man to stem the rapid torrent, and to convince the *Grand Monarque*, in spite of his numerous armies, and to the confusion of those sycophants and flatterers, wherewith his palace was perpetually crowded, how vain the utmost human efforts are, when opposed to the will of Heaven; and this, in many respects, (owing to our successes in the last war, which was finally concluded the beginning of the year 1763) has been the case that has attended the present *French* King, notwithstanding all his numerous armies and alliances. And therefore it is hoped, for that reason, *Europe* will, for a long tract of time hereafter, enjoy the sweets of peace, &c.

all the treaties he made for restoring peace to his country, never made any terms for himself, *except once, when the interest of three Kingdoms, and his own, were become one and the same.*

These were the sentiments of a very honest and wise man *, who lived at the time of the Revolution, and will, it is to be hoped, be those of every true *Briton* to all future ages. Some perhaps may look on what we have said on this and some other occasions, as unnecessary digressions, seeing we are not writing the life of King *William*, or any other great personage, but that of the Duke of *Devonshire*. All this we acknowledge, yet many think that these are no unnatural, and consequently no unpleasing digressions, but rather prove so many reliefs to the attention of the reader, which tires when it is constantly pursuing the same tract; so that by making now and then an excursion, he is refreshed, and entertained with some new and unexpected prospect, and therefore returns, with so much the more pleasure, to the path from which he had been diverted. Having said so much, which we hope will be no way disagreeable to the considerate reader, we shall return to the main subject.

We say, when it is considered how much the Duke contributed to that glorious event (the Revolution,) the invaluable blessings derived from thence, whose happy effects we still experience, must naturally raise our gratitude, tho' in a less degree, for the one, as well as the other. For certainly it can be no diminution to the glory of *that immortal hero*, to assert, that, had not Heaven raised up such Patriots as the illustrious *Cavendish*, to concur with, as well as assist him, in the generous undertaking, it would have met with insuperable difficulties, and we might still have groaned under the iron yoke.

* See *Welwood's* Memoirs, from whom we have extracted several interesting matters.

When

When a ship is tossed about in a violent storm, the Pilot's skill and vigilance are absolutely necessary; if he leaves the helm, destruction instantly follows; yet, notwithstanding all his care, other inferior officers are no less necessary to the safety of the vessel; some must work the pump, and others manage the ropes and sails; for without these, it will go to the bottom.

To dwell no longer on a point so clear in itself, we shall just beg leave to observe, that, as the Prince of *Orange* gained a Crown by asserting our liberties, so the Earl of *Devonshire*, by concurring with him, was honoured with a splendid title. The former has been made a mighty objection by that great Prince's enemies; and the latter might, with equal justice, be objected to the Earl; to both which we shall add no more at present, than that it would have been happy for the world, had all the Princes and great men recorded in history, acquired their Crowns and Titles in the same manner. Had the Prince failed in his attempt, we have the strongest reason to believe, that, as he never would have been a King, so we should never have heard of a *Cavendish* Duke of *Devonshire*; nay, in all probability, the whole race, long ere this, would have been cut off, and only left this memorial behind them, that one of the honestest and noblest families in *England* perished with the Constitution.

When we read with what facility *Alexander* conquered so many kingdoms, we are apt to be struck with admiration at his undaunted courage, without reflecting that his victories were chiefly owing to the brave and experienced Captains employed under him. But if we draw a short parallel between the conduct of both, and those who brought about the Revolution, how soon will the *Macedonian* Hero, and all his Captains, dwindle down into nothing, or rather become the objects of our hatred or horror?

Alexander,

Alexander, like another *Attila*, may be truly stiled the scourge of God; he had nothing else but to conquer and enslave the world, in order to gratify, without controul, his own unreasonable passions, and this was the sole view of those that had served him so faithfully, during his life; for we find him scarce cold in his grave, when they tore his mighty Empire in pieces, and divided the spoil among themselves; yet the wretched people saw no other change, but that they had got many tyrants, instead of one.

As it would be an affront to the Reader's judgment to apply this instance to our own times, in order to shew the contrast, we shall say no more on this subject, than that, so long as liberty is preferable to slavery; so long as justice is more eligible than lawless rapine and violence; so long as the asserting the just right of a free-born people is more glorious, than trampling on all laws divine and human; the name of King *William* will be had in veneration, and never mentioned, without remembering that of *Cavendish*.

1702. The Princess *Anne* of *Denmark* was proclaimed Queen on the death of the King, the 6th of *February* this year.

His Grace immediately waited on his new Sovereign, who received him graciously, and was pleased to continue him in all the posts he enjoyed under his deceased Royal Master. The first matter of consequence that came into debate before her Majesty in Council, was, that of declaring war against *France*, which some of the Council would have avoided, for the reasons they then offered; but Lord *Devonshire* answered them so effectually, that the Queen was satisfied, and war was instantly proclaimed, which for ten successive campaigns was crowned with a series of successes and triumphs, scarce paralleled in ancient or modern relations, and which raised the reputation

reputation of the *English* arms to a height known before. Happy had this lustre not been at the end eclipsed by a reverse of Counsels, which had deprived us of the fruits of victory, and threw away the *Cabinet* all the advantages we had gained in the field.

March the 11th her Majesty went to the House of Peers, and in her Speech to both Houses* expressed a just concern for the laws and liberties of *England* both in Church and State, and at the same time recommended to them to consider of proper methods for promoting a Union between *England* and *Scotland*. In return they presented very loyal Addresses of Thanks, and therein promised to do every thing in their power to accomplish what she desired.

* The Parliament, in the first year of the Queen's reign, passed an act, "For enabling her Majesty to settle a revenue for supporting the dignity of his Royal Highness *George*, Prince of *Denmark*, in case he should survive the Queen his spouse."

The making this provision for the Prince was recommended by the Queen herself: But it is here to be observed, that it had been provided in the Act of Limitation, that no stranger, tho' naturalized, should be capable of holding any employment after the act shall take place. Now tho' by a clause, which was then offered by the Tories, who were the leading party in the House, and who had voted an hundred thousand pounds a year to be paid to Prince *George*, in case he should survive the Queen, he was exempted, tho' a foreigner, from this incapacity.

The Duke, when the Bill was brought into the House of Lords, acted with the same firmness and resolution as he had done upon every other occasion, objected against the clause, and was at the head of those Peers who thought it disrespectful to King *William's* memory, because the exempting of Prince *George* implied that, on the succession of the House of *Hanover*, all other foreigners fell under the disqualifying clause, which would affect all the foreign servants of the late King, who had been naturalized. The Duke, after he found that, notwithstanding his opposition, the Bill passed with this clause of exemption, yet apprehended he could do no less than join with those Lords who entered their Protest against it.

April

April the 23d her Majesty was solemnly inaugurated, at which ceremony his Grace of *Devonshire* assisted in the same state as he had done in the late reign.

Soon after a rumour was spread, with a view to prejudice her Majesty against some particular persons, that King *William* designed to exclude her from the Succession; which being complained of in the House of Peers, their Lordships appointed a Committee to inspect King *William's* papers, whereof the Duke was one; who, after they had carefully perused them, voted the report *false and scandalous*.

On the 25th of *May* the Parliament was not only prorogued, but dissolved, and a Proclamation issued for calling a new one.

On the 20th of *October*, the Queen having before, as we have said, dissolved the Parliament, and called a new one, which met this day, they instantly voted all the necessary supplies; and after passing Bills for those, and other purposes, which received the Royal Assent, it was prorogued.

1703. The 9th of *November* this year the Parliament assembled, when some difficulties were started as to the supplies, which, however, at last, were granted. But before it was agreed to, the Commons passed a Bill, which at that time made a very great noise, *for preventing occasional Conformity*, and sent it up to the Lords, who made several amendments thereto, especially in respect to the mitigating some penalties the Bill proposed to be inflicted on offenders; and returned it, so amended, back to the Commons. This so much disgusted them, that they demanded a free Conference, which was granted; and my Lord *Devonshire* assisted as one of the chief Managers. But previous to the meeting, a Committee was appointed to inspect certain Records, necessary to be used on the occasion. What that Committee had done his Grace reported to the House, as follows: "That they had found many Acts with

penalties begun in the House of Lords, and other Acts with penalties begun in the House of Commons; yet they were encreased, lessened, or altered, by the House of Lords, as the nature of the cases required."

The Lords being ready, they met the Commons, who, after their Managers had opened their objections to the Amendments made to the Bill, with great warmth, his Grace replied in a speech; wherein he fully demonstrated, that the reasons offered against the Amendments were ill founded, and concluded with insisting, on the part of the Lords, that the Amendments should stand; which not being consented to by the Commons, the Conference broke up, and by that means the Bill was rejected, which highly pleased such as were friends to moderation*.

* "In these Proceedings (says *Kennet*.) it does appear, that the Duke acted upon these principles: That the Protestant Interest ought to be united against the common enemy: That Protestant Dissenters, under a law of ease and liberty, should not be made subject (especially in a time of war) to any appearances of persecution: That the Papists and professed enemies of the Government were labouring to promote a greater separation from the Church of *England*, and would make their advantage of such an Act: That occasional conformity might not be always owing to hypocrisy, because it had been the practice of the most charitable Dissenters, when they had no place or profit depending on it: That peace and unity, obtained by moderation, would make the established Church most safe and happy: That her Majesty, by royal clemency to all Protestant natives and strangers, would best maintain her just character, of being head of the Protestant Interest in *Europe*: And farther, That the Toleration had had such visible and good effects, had contributed so much to the security and reputation of the Church of *England*, and had produced so good a temper amongst the Dissenters, that they ought not to give the least discredit to that Act; especially when liberty of conscience, and gentle measures were most proper, and had been found most effectual, towards the encreasing the Church, and diminishing the number of Dissenters: And lastly, That it was very apparent, how all the Papists, and other persons disaffected to the Revolution and the present Government, did not conceal their wishing and soliciting for this Bill, which they would not do if they had not a turn to serve by it."

The

The Duke, observing the malevolent disposition of some over-grown zealots on this occasion, published a few poetical lines, as issuing out of the mouth of a Fury, hovering over a great Assembly, some of which follow :

“ From a contagious vapour I will blow,
Within these walls breaches shall wider grow :
Here let imaginary fears prevail,
And give a colour to affected zeal ;
From trivial Bills let warm debates arise,
Foment sedition, and retard supplies.”

The next matter that came in debate before both Houses was the great case of *Asbby* and *White*; which, in fact, was shortly this : *Asbby* had commenced an action of damages against *White*, as one of the returning officers for *Ailesbury*, in the Court of *King's-Bench*, 12 *W. III.* for refusing to admit his vote at the late election ; which was brought on to trial at the Assizes, when a verdict was given for the Plaintiff, with 5*l.* damages. This verdict was, upon motion, set aside by that Court ; three Judges being for, and only that great and able Lawyer, Chief Justice *Holt*, against it. But *Asbby* not being satisfied with this determination, brought a Writ of Error in the House of Peers, when the Rule made in *Banco Regis*, after a solemn hearing (wherein his Grace of *Devonshire* particularly distinguished himself in favour of the verdict) was reversed, and Judgment ordered to be entered in that Court for the Plaintiff *Asbby* *.

This reversal of the Lords being taken notice of by the Commons, they were so far from approving of what the Lords had done, that they voted *Asbby* guilty of a Breach of Privilege. (Now as to the reasons

* The Lords determined, that the Plaintiff's case, as to voting, was a matter of Right and Property, and consequently triable at the Common Law.

which were given by the Commons for what they did on the occasion, we refer the Reader to the next life of *William*, the second Duke of *Devonshire*.)

But the matter did not rest here; five others of the inhabitants of *Aileshury* brought also their actions against the returning officers, for refusing to take their votes. “*This* (says a late writer) *put the House of Commons into a flame.*” In short, they first ordered them into the custody of the Serjeant at Arms, and next sent them to *Newgate*.

The Prisoners, by four able Counsellors, Messrs. *Montague*, *Lechmere*, *Denton*, and *Page*, moved and obtained a *Habeas Corpus*; upon the return of which they were brought before the Court of *King's-Bench*; where, after hearing the cause of their commitment, three of the Judges again differed in opinion from the Lord Chief Justice *Holt*, by refusing to admit them to Bail, and remanded them back to *Newgate*.

After this the prisoners applied for a Writ of Error, in order that the whole matter might be heard over again in the House of Peers.

The Commons, upon this, addressed the Queen, wherein they asserted, “That it was the undoubted Right and Privilege of the Commons of *England*, in Parliament assembled, to commit persons for breach of Privilege; and that those Commitments were no where examinable but before themselves, and that no Writ of Error was ever brought, nor does any lye in such cases.

The Queen, in answer, said, “That this matter related to Judicial Proceedings, and was of the highest importance; she therefore thought it necessary to weigh and consider very carefully what she had to do in a matter of so great concern.”

This Answer so much displeased the Commons, that they did not return Thanks.

One of the account writers of our noble Duke's actions says, *The House of Commons, by their furious managment*

management in this affair, declared war equally against the People, as well as against the Peers of England.

But be that as it will, the Duke heartily joined with the House of Lords in publicly declaring to the following effect: "That neither House of Parliament had any power, by vote or declaration, to create to themselves any new Privilege that is not warranted by the known laws and custom of Parliament, and that every freeman of *England*, that apprehends himself to be injured, has a right to seek redress by Action at Law, against any person not entitled to Privilege of Parliament; and that the House of Commons, by the commitment of the five men for bringing their actions, as aforesaid, have claimed a jurisdiction not warranted by the Constitution, and thereby, as far as in them lies, subjected the rights of *Englishmen* to the arbitrary votes of that House, and that the prisoners have an undoubted right to apply for and obtain a *Habeas Corpus*, in order to procure their liberty by due course of law; and that the censuring and punishing persons for pleading and assisting them, is an attempt of a dangerous nature, a breach of many good Statutes, as well as of pernicious example; and, finally, they declared, that a *Writ of Error* is not a *Writ of Grace*, but of Right, and ought not therefore to be denied the subject*."

These were glorious resolutions, indeed! However, the Commons replied to them, and insisted upon their former claims; and, in order to justify their proceedings, demanded a free Conference with the Lords, which was immediately granted, and his Grace was one of those who was appointed to manage the Conference.

* It appears that the zeal which that illustrious Assembly had shewn in favour of the oppressed, so far irritated their opponents, that they voted even the four Counsellors guilty of a Breach of Privilege, for pleading in the behalf of the prisoners, their clients, and they were all taken into the custody of the Serjeant at Arms.

At this meeting, the Duke, by an elegant Speech, endeavoured to convince the Commons how mistakenly they had acted; but their Managers seemed to pay no regard to what was offered by the Lords; on the contrary, they persisted that every thing they had done was right, so that at last the Conference broke up without effect. The Historians of those times say, that it manifestly appeared, that the Lords had the superiority over the Commons, both in *point of Argument* and *the known Laws of the Kingdom*.

Still the Commons persisted to assert their right, and farther resolved, to the following effect: "That no Writ of *Habeas Corpus* could lye for any one committed for a Breach of Privilege, in contempt of the House; that the Serjeant at Arms do make no return upon any such Writ, and that the Lord-Keeper be acquainted with the Resolution of the House."

The Lords, after the Commons had sent this Resolution to the Lord-Keeper, drew up a long Representation to the Queen, concerning the above transaction, wherein they humbly represented: "That the Proceedings of the House of Commons against the *Aylesbury* men were wholly new and unprecedented, and that it was the birth-right of every *Englishman*, who apprehends himself to be aggrieved, to seek redress in her Majesty's Courts of Justice*; and if the Commons have a power to controul this right, and can prescribe when he shall, and when he shall not be allowed the benefit of the Law, he ceases to be a freeman, and

* The twelve Judges were commanded to give their sentiments on this occasion: Ten were of opinion, that a Petition for a Writ of Error was a matter of Right, and not of Grace; from whence some concluded, that if the Queen had complied with the prayer of the House of Commons, in not granting a matter of Right, it would have been a breach of the Law, and her Coronation Oath.

his liberty and property very precarious." They further represented, "That the Crown lays claim to no such power, and that they were sure that the law has lodged no such authority with any subject whatsoever;" and concluded with requesting the Queen, "to give an effectual order, for issuing the Writs as the prisoners had prayed."

The Queen, in answer, said, "That she should have granted the Writ, as desired, but that she found it necessary to put an immediate end to the session."

To this Answer the Lords instantly returned her Majesty Thanks, and the same day the Parliament was prorogued, by which means the prisoners, at last, obtained their liberty.

Thus ended this extraordinary affair, so far as materially concerned the Judicial Proceedings of one of the most august Courts in the world*.

We shall here make no other remark on what had passed, than just observing, that in a Nation, governed by King, Lords, and Commons, it is the duty of every good subject to be watchful that neither infringe on the other's right; for if the ballance is once destroyed, there necessarily arises a tyranny on the one side or the other; and of the three kinds of tyrannies, that is the most supportable which comes from the King; the second, and less supportable, is that which the Lords might exercise; but that of the people is by far the most insupportable of any.

1704. The next public affair of consequence, which his Grace was embarked in, this year, was that of attending as one of the Commissioners to treat with those of *Scotland*, concerning a Union between the two Kingdoms, which was not effected so soon as

* See also in the Life of the second Duke of *Devonshire* a farther account of the Proceedings of the Commons, in this important affair.

many wished, owing to several impediments, which at first were thrown in the way to prevent it.

October the 29th, the third Sessions of this Parliament met, and after they had raised the necessary supplies, and the Queen had given the Royal Assent to such Bills as were ready, they were prorogued, and afterwards dissolved.

Bishop *Burnet* says, "Thus this Parliament came to an end; it was no small blessing to the Queen and to the Nation that they had got well out of such hands; they had discovered on many occasions, and very manifestly, what lay at bottom with most of them; but they had not skill enough to know how to manage their advantages, and to make use of their Members. In short, the continual successes with which it had pleased God to bless the Queen's arms, put it out of their power to compass what they aimed at, which was that of forcing a Peace; then, of consequence, we should be delivered up a prey to the French's *Amazons*, indeed!"

It was observed while the Parliament was sitting, that the Earl of *Nottingham* was solicited by the leading party in the House of Commons, such as *Harley* and others, to beg the Queen to dismiss the Dukes of *Devonshire* and *Somerset*, two of her faithful Ministers (against whom they had taken a very great prejudice) from the Cabinet-Council, or at least that they might be called thither no more. This the Earl earnestly pressed the Queen to do, which she refused; in short, her Majesty had a personal esteem and value for the Duke of *Devonshire* in particular, upon account of his early shewing, before she came to the Crown, a dutiful attention to every thing he thought would contribute to her ease and happiness; therefore to evidence that she was displeased at the Earl's request, seeing she found that *Nottingham* was highly chagrined at her denying it, in order to mortify him still more, she displaced two of his intimate

intimate companions, *i. e.* Lord *Jersey*, from being Lord Chamberlain, and Sir *Edward Seymour* from being Comptroller of the Household; the first she gave to the Earl of *Kent*, but the other she thought proper to bestow on Sir *Thomas Mansel*, one of *Harley's* party, with a view to keep matters a little easy in the House of Commons. These changes, however, so irritated the Earl of *Nottingham*, that in a pet he threw up his office of Secretary of State. This Office the Queen, after it had lain vacant for a month, presented to *Harley*, the Speaker of the House of Commons, who very readily accepted of it.

We hope it will not be amiss here to observe, that at this time Mr. *Harley* was at the head of a particular party, who were secretly endeavouring to supplant the *Marlborough* family, as well as all those in their interest, by the means of one Mrs. *Hill*, now highly in favour at Court; the principal of which were, first, the Duke of *Marlborough* himself, Captain General and Commander in Chief of her Majesty's forces, and was, upon account of his great successes against the *French*, generally and rightly stiled, *the great and victorious John Duke of Marlborough*. The other, *Sidney Godolphin*, Earl of *Godolphin*, her Lord High Treasurer, whose son married a daughter of the Duke's: As these two Lords were great favourites with the Queen, it made *Harley* and his party look on them with an envious eye: which put some persons attached to the latter upon penning a piece, stiled a Memorial, as it was called, highly injurious to the memory of Cardinal *Wolsey*, under the borrowed name of *Cecil Lord Burleigh*, addressed to Queen *Elizabeth*. This fictitious reference to the administration of the Cardinal's was calculated to shew how dangerous it was for a Prince to have particular favourites; and, in short, the whole tendency of it was designed to make *Marlborough* and *Godolphin* appear, on that account, dis-

agreeable to the Queen; as they had the direction both of the army and finances *, and that of course

* We shall here lay before our Readers short characters of the principal men of each party, extracted from a Gentleman's writings, who drew them up at that time. We shall place at their head — *George, Prince of Denmark.*

His Royal Highness is a Prince of a familiar easy disposition, (Lord High Admiral, and Warden of the Cinque Ports) with a good sound understanding, but modest in shewing it, a great lover of the Church of *England*, as it comes the nearest to *Lutheranism*. This he often shews by his Votes in the House of Peers; otherwise he does not much meddle in affairs out of his office. He is very fat, loves news, his bottle, and the Queen, by whom he has had many children, but none alive. He hath neither many friends nor enemies in *England*. On the Queen's accession to the Throne he was about fifty years old.

MARLBOROUGH'S PARTY.

1. *John Duke of Marlborough* is a tall handsome man for his age (fifty,) with a very obliging address; of a wonderful presence of mind, so as hardly ever to be discomposed; of a very clear and good judgment, very bold, never daunted for want of success; every way capable of being a great man, if the great successes of his arms, and heaps of favours thrown upon him by his Sovereign, do not raise his thoughts above the rest of the Nobility, which, if so, will consequently draw on him envy.

2. *Lord Godolphin.* He has an admirable clear understanding, of slow speech, with an awful serious deportment; does more than he promises; an enemy to flattery, to shew, or violence; (a good character, indeed!) but of very hard access; yet as he is frequently denied to all degrees of people, makes it more supportable. Thin, with a very black stern countenance, near sixty years old.

HARLEY'S PARTY.

1. As to *Robert Harley, Esq;* no man understands acting the part of a Speaker, nor knows better the humour of the House than himself; he is very knowing of most things, and very eloquent; bred a *Presbyterian*, yet joins with the Church in every thing; never fails to have a Clergymen of each sort at his table; on Sundays his family goes generally to meetings; he is of low stature, slender, turned of forty years old. Since the writing of this, he was made Secretary of State, in the room of Lord Nottingham.

2. *Sir Edward Seymour.* He is believed to be the prudentest man in *England*, of great experience in the affairs of his country, but extremely carried away with passion; does not value scandal, and openly visited the *French* Ambassador, which made people suspect he was in that interest; he has a very erect countenance and stately mien, a fair sanguine complexion, about seventy.

intituled them to give the places to whom they pleased, as they became vacant, in their departments.

MARLBOROUGH'S PARTY.

3. Duke of *Devonshire* was always a firm assertor of the Laws and Liberties of his Country, and the Protestant Religion. He is certainly the finest and handsomest Gentleman of his time, keeps a noble house and equipage, is tall, well made, and of a princely gallant behaviour, and of nice honour in every thing; past sixty years old.

4. Duke of *Somerset*. He is Master of the Horse, and appears at Court with a great deal of warmth for his party, yet seems to suffer by King *William's* death. He is of a middle stature, well shaped, of a very black complexion, about forty years old.

5. *Thomas* Earl of *Pembroke*. His life and conversation is after the manner of the primitive Christians; meek in his behaviour, plain in his dress, speaks little, of a good countenance. He is very ill shaped, thin, stoops; about fifty years old.

6. Marquis of *Hartington*. He has for many years made a considerable figure in the House of Commons, having very good sense, is a bold orator, and a zealous assertor of the liberties of the people.—He is besides one of the best beloved Gentlemen in the Country. He is brown complexioned, taller than the middle stature; not forty years old.

HARLEY'S PARTY.

3. Duke of *Ormond*. He is certainly one of the most generous, princely, brave men that ever was, but good-natured to a fault. Loves glory, consequently crowded with flatterers; never knew how to refuse any body, which is the reason why he obtains so little for himself; of a low stature, well-shaped; of a good mien and address; about forty.

4. Duke of *Buckingham*. He is a man of good learning and natural parts, but of no principles; violent for the High Church, yet very proud, insolent, and covetous; he is of a middle stature and brown complexion, with a sour lofty look, near sixty.

5. *Daniel* Earl of *Nottingham*. He is a great promoter of absolute power in the State; he has all the exterior shew of business in his habit and manner; very formal; he is tall, thin, and black, and zealous for the Church; about fifty.

6. *John* Lord *Granville*. He is second son to the Earl of *Bath*. He was educated at sea; he was a great advocate for Sir *John Fenwick*. He is a Gentleman of tolerable good sense, has an undaunted assurance, and very hot for his party, and partial; a jolly fair complexion'd man, middle stature, inclined to be fat; turned of forty.

This piece being thus artfully cooked up, in process of time it was, by means of Mrs. Hill, laid, as it was believed, privately before the Queen. What effect this at last had, as well as what followed

MARLBOROUGH'S PARTY.

7. *Charles Earl of Dorset* was one of the finest Gentlemen in *England*, in the reign of King *Charles II*; of great learning and extremely witty. *Dryden* styles him the Prince of the *English* Poets; at present he is retired, and is about sixty.

8. Lord *Somers*. He is believed to be the best Chancellor that ever sat in that chair, and as knowing in foreign Courts as in the Law. He gives entertainments to foreign Ministers more like one bred up at Court than at a Bar, and used to invite dozens of persons to his table, of several professions, as if it was the thing he only studied. He speaks with such a force of expression, that he convinces at the same time he informs, and all his arguments are so regular, like steps of stairs, they support one another. He is of a grave deportment, easy of access, free conversation, of middle stature, brown complexion, and near fifty.

9. Lord *Wharton*. He is certainly one of the completest Gentlemen in *England*, has a very clear understanding and manly expression, with abundance of wit, and brave in his person; much of a libertine; of middle stature and fair complexion; about fifty years old.

HARLEY'S PARTY.

7. Lord *Dartmouth* sets up for a critick, makes jests, and loves to laugh at them, and is in a fair way of rising at Court, and now is one of the Lords of Trade. He is a short thick man, fair complexioned, about thirty.

8. Lord *Keeper Wright*. He is a good common Lawyer, a slow Equity man, but no Civilian. *Chance* more than choice brought him to the Seals: Being recommended by the Tory party, he has proved their faithful tool ever since. He is a plain man both in person and conversation, of middle stature, inclining to be fat, broad faced, and much marked with the small-pox. He has done a great deal of good to his private family, married his son and daughter to very good fortunes. He gave the employment of the Clerk of the Crown to his son, and some good livings to a great many of his poor relations in the country.

9. Lord *Guernsey*. He is believed to be one of the greatest orators in *England*, and a good common Lawyer; besides he is a firm assertor of the Prerogative of the Crown and the rights of the Church of *England* in particular; a tall, thin, black man, near fifty years old.

10. Lord

thereupon in respect to the dismissal of these Lords* and their friends, from all the offices they had in the Administration, will be related in the life of the second Duke of *Devonshire*.

MARLBOROUGH'S PARTY.

10. Lord *Mobun*. He is brave in his person and bold in his expressions, and rectifies, as fast as he can, the slips of his youth, by acts of honesty, which he now glories in more than he did formerly in his extravagancies; he is of a middle stature, inclinable to be fat, not thirty years old.

N. B. Some years after, these last two Lords killed each other in a duel.

11. Earl of *Ranelagh*. He is a bold man, and very happy in his jests and repartees, and has often turned the humour of the House of Commons by them, when they designed to be very severe. He is very fat, and turned of sixty.

12. Lord *Townshend* is a Gentleman of great learning, with a sweet disposition, and, when once employed in business, may show himself a great man; and so he afterwards did.

13. *Henry* Earl of *Kent* is the first branch of the ancient family of *Grey*. He was much esteemed when Lord *Rutben*, very moderate, with good sense and a good estate, which, with his quality, must make him happy. He makes a considerable figure in the Nation, is a handsome man, near forty, and is now Lord Chamberlain.

HARLEY'S PARTY.

10. Duke of *Hamilton*. He is very brave in his person, with a rough air of boldness, of good sense, very forward and hot, for what he undertakes, ambitious, haughty, and a violent enemy; he is of a middle stature, well made, with a black coarse complexion, a brisk look, and towards fifty years old.

11. Lord *Chandois* was warm against King *William*, nor does he now make any great figure; but his son, afterwards Duke of *Chandois*, one of the Counsellors to the Prince of *Denmark*, is a very worthy Gentleman.

12. Lord *Lexington* is a Gentleman of good understanding, and very capable to be in the Ministry; a well-bred, handsome brown man; forty-five years old.

13. Lord *Peterborough*. He affects popularity, and loves to preach in coffee-houses and public places; is an open enemy to revealed religion; brave in his person, has a good estate, does not seem expensive, yet always in debt and very poor; a thin well-shaped man, with a brisk look; near fifty years old.

* It was printed in 1706.

1705. This year there was raised a violent clamour, by some artful and designing men, concerning the danger the church was in. This chimerical danger, which is now exploded, communicated itself at that time like a contagion; the effect it afterwards produced, is well known in the case of Dr. *Sacheverel*; yet the new Elections, notwithstanding their clamours, were generally in favour of the moderate party, so that there was much more good to be expected from them, than their violent and hasty predecessors. These Gentlemen, therefore, began to be carested by the Ministry, which appeared by the Seals being taken away from the Lord Keeper *Wright*, and given to a very able Lawyer, and a true friend to his country, *William Cooper*, Esq; of whom we shall hereafter speak more fully in the life of the second Duke of *Devonshire* *.

In *April* this year his Grace waited on the Queen to the University of *Cambridge*, and was then created Doctor of Laws, with the Dukes of *Grafton* and *Bolton*, his own son the Marquis of *Hartington*, and many others of the Nobility and Gentry. He had a great respect for the University, and did not dislike any part of the education in them, only, says *Kennet*, "That he thought the young men were many of them warmed with politicks, before they understood the constitution of their country." He was, however, tender of the least reflection on them; he recalled himself in these lines, with good nature and temper.

" Say, Muse, (since no surprize or foreign stroke
Can hurt her, guarded by her walls of oak,
Since wholesome laws her liberty transfer
To future ages) what can Albion fear ?

* The Bill to prevent occasional Conformity was brought in by the leading men in the House of Commons, and passed no less than three sessions one after the other, with a view to subject the Dissenters to severe penalties; but they each time miscarried in the House of Lords.

Can she the dear-bought treasure throw away?
Have Universities so great a sway?
The Muse is silent, cautious to reflect
On mansions where the Muses keep their seat.
Barren of thought and niggardly of rhyme,
My creeping numbers she forbids to climb.
Vent'ring too far, my weary genius fails,
And o'er my drooping senses sleep prevails."

On the 25th of *October* the new Parliament assembled, when the Queen, in her Speech, informed them, "That she intended soon to issue Commissions for carrying on a Treaty of Union between *England* and *Scotland*, and expressed her resentment that the Church should be thought in danger under her government, and at the same time recommended the granting the necessary supplies." As to the Commons, they immediately granted what was necessary for that purpose.

The Duke particularly distinguished himself in the House of Peers when the aforesaid matter, concerning the danger of the church, was under consideration, which at last ended in this Resolution of both Houses, presented to the Queen, "That the Church of *England*, as by law established, which was rescued from the extremest danger by King *William III.* of glorious memory, is now, by God's blessing, under the happy reign of her Majesty, in a most safe and flourishing condition, &c."

His Grace was one of those, who promoted the bringing in a Bill for appointing a Regency, in the absence of the next successor, on the Queen's demise, which soon passed both Houses of Parliament with some few amendments, and received the royal Assent, as did other Bills; and then the House was prorogued from the 19th of *March* to the end of *May*.

This Session Lord *Somers* brought in a Bill, in the upper House, to correct some Proceedings in the Chancery and Common-law, which the Lords sent
down

down to the lower House. They, in canvassing the Bill, left out several beneficial clauses, which was done, says *Burnet*, by the interest of under Officers and Attornies. However, the Bill passed into a law, with those alterations, and hath since been found, notwithstanding its having been so curtailed, to be useful, as well as the act for making promissory Notes negotiable, and the Endorsers liable to pay them.

1706. This year his Grace was again appointed a Commissioner, (in pursuance of an Act of Parliament,) to treat of a Union between the two Kingdoms, in conjunction with his own son, the Marquis of *Hartington**, and many other honourable and worthy personages, in whose fidelity, prudence, industry, diligence, and circumspection, the Queen declared she reposed an especial trust and confidence; and before the end of the next year this Union was agreed to.

The Commissioners met *April* the 16th, in the Council-chamber at *White-Hall*, and in the forty-fifth Session finished the before-mentioned work, which all our *English* Monarchs had in vain attempted to accomplish. None had the thing more at heart than *James* the first. This evidently appears, from his having assumed the title of King of *Great Britain*, which, according to the writers of

* It is remarkable, that as the progenitors of this noble House brought about the first happy conjunction, in the person of King *James I.*, so their posterity had a principal hand in bringing about a more complete Union between the two kingdoms, which they zealously promoted in every one of the meetings of the Commissioners, and saw faithfully confirmed in both Houses of Parliament, with sufficient security to the Church of *England*. A singular glory, indeed! to her late Majesty Queen *Anne's* reign, and an unspeakable benefit to *Great Britain*, in general. In fact, we should be sorry to find any one, at this time of day, that pretends to love his country, seek to weaken it, by raising feuds and disturbances between the South and North *Britons*.

those times, he intended as a step towards the Union; but as in some things he was too slow, so in this, it is certain, he was as much too hasty, by attempting to raise a stately fabrick, without first laying the foundation: For the people's minds were then too much imbittered against each other to admit of so close a connexion as that Prince intended; it required a long time, and exquisite prudence, to blend two nations into one, who had been so long at variance.

This work was reserved, by Divine Providence, for another reign, far different from that of *James*; we mean to the glorious æra of Queen *Anne*, and in the time of the first Duke of *Devonshire*. We hope what we have here said will suffice for the present, seeing we intend to treat farther of this important affair in the life of the second Duke of *Devonshire*.*

* *Jun.* the 29th, his Grace's friend and companion, *Charles Sackville*, Earl of *Dorset*, died; father of the present Duke.

Two famous poets, *Dryden* and *Prior*, have both celebrated him as one of the greatest men of the age he lived in; the former characterises him thus:

"There are no factions, (says he, in a Dedication to his Lordship,) tho' irreconcilable to one another, that are not united in their affections to you, and the respect they pay you. They are equally pleased in your prosperity, and would be as equally concerned in your afflictions. *Titus Vespasian* was not more the delight of human kind. The Universal Empire made him only more known, and more powerful, but could not make him more beloved. He had greater ability of doing good, but your inclination to it is not less: and tho' you could not extend your beneficence to so many persons, yet you have lost as few days as that excellent Emperor; and never had his complaint to make when you went to bed, that the sun had shone upon you in vain, when you had the opportunity of relieving some unhappy man.

"You neither have enemies, nor scarce can have any; for they who have never heard of you, can neither love nor hate you; and they who have, can have no other notion of you, than that which they receive from the public, that you are one of the best of men."

Pray hear how gratefully the latter expresses himself to the Earl, for the many favours he had received from him:

L 1

"Thou

1707. We are now come near to the period of the Duke's life, and yet we find him, in the beginning of this year, still maintaining the same invariable character to the last. There were at this time some Bishopricks vacant; *Trelawny* was removed the summer before from *Exeter* to *Winchester*, which displeased the *Whigs*; and to add to this, *Burnet* observes, that the Queen, without regarding their displeasure, preferred Dr. *Blackball* to the see of *Exeter*, and Sir *William Dawes* to *Chester*. These Divines (says he,) were in themselves men of value and worth, but their actions were all on the Tory side, so that these new appointments encreased their uneasiness. To qualify this a little, it happened, *Patrick*, Bishop of *Ely*, died; her Majesty advanced *Morc* from *Norwich* thither, and *Trimnell*, a worthy person,

“Thou smiling see'st great *Dorset's* worth confess,
 The ray distinguishing the Patriot's breast;
 Born to protect and love, to help and please;
 Sov'reign of wit, and ornament of peace.
 O! long as breath informs the fleeting frame,
 Ne'er let me pass in silence *Dorset's* name;
 Ne'er cease to mention the continu'd debt,
 Which the great Patron only would forget;
 And duty, long as life, must study to acquit.” }

Mr. *Pope*, after the Earl's death, has, by some very masterly lines, confirmed the character Mr. *Dryden*, as well as what Mr. *Prior* has given us, of his great Patron, thus:

“*Dorset*, the grace of Courts, the Muses' pride,
 Patron of arts, and judge of nature dy'd:
 The scourge of pride, tho' sanctify'd or great,
 Of fops in learning, and of knaves in state:
 Yet soft his nature, tho' severe his lay,
 His anger moral, and his wisdom gay.
 Blest Satyrist! who touch'd the mean so true,
 As shew'd vice had its hate and pity too;
 Blest courtier! who could King and country please,
 Yet sacred keep his friendship and his ease.
 Blest Peer! his great fore-father's ev'ry grace,
 Reflecting, and reflected in his race;
 Where other *Buckbursts*, other *Dorsets* shine,
 And patriots still, or poets deck the line.”

she named for *Norwich*. Still all this did not entirely quiet the uneasiness the *Whigs* were under, upon account of the other nominations, as they seemed to have flowed from the Queen herself, and consequently, in some measure discovered her inclinations.

To prevent the ill effects that these proceedings might have in the approaching session, some of the most eminent *Whigs*, Members of the House of Commons, were called to a meeting with the Dukes of *Somerset* and *Devonshire*; these Lords assured them, in the Queen's name, that she was very sensible of the services the *Whigs* had done her, and that she had engaged herself so far with relation to the above Bishopricks, that she could not recall the promises she had made, yet for the future she would take care to give them full content; (*and so she did with a witness, if turning them all out of their Places, and changing the Ministry, may be so termed; but this did not happen during the Duke's life.*) Whilst these Nobles were thus speaking in the Queen's name to the *Whigs*, *Harley* and his associates, *St. John* and *Harcourt*, were taking great pains to prevail with the leading men among the *Tories* to join with them, by saying the Queen's heart was on their side, and that she was weary of the tyranny of the *Whigs*, and longed to be delivered from them; but those Gentlemen did not entirely give credit to what they said, having, as it was thought, other views, which they did not think fit to discover. However, when these double-dealings came to be perfectly known, it gave occasion to much jealousy and distrust.

After the Duke had joined with *Somerset* in transacting the above matters, which he apprehended were then the Queen's real designs, and likely they were so, (had she not been persuaded to break her promise, when the Duke was no more,) we do not find that his Grace any farther concerned himself in publick business.

Having, we hope, by this time, given sufficient specimens of the Minister, the Statesman, the Hero, and the Patriot; we shall next descend and lay before our readers, a general sketch of his Grace's behaviour in private life.

“He was so averse (says *Kennet*,) to all manner of injustice and oppression, that he was always ready to protect and deliver the very enemies of the Government from any illegal hardship. He remembered his master King *William's* saying, ‘That he came over to defend the Protestants, and not to persecute the Papists.’ Those *Roman* Catholick Gentlemen, who lived near him in the country peaceably and quietly, he treated as neighbours and friends, and they bore a great respect to him, and shewed it in several instances.

“It is acknowledged by all that conversed with him, that his Lordship had a reverence for the Scriptures, and read them with a diligent eye, and defended whatever he thought the fundamental doctrines in them. He looked deep into the *Socinian* controversy, and declared his judgment freely against those pretenders to reason; and was as much offended at any advocates who (he thought) helped to betray the orthodox cause. He treated the Bishops with great esteem and respect, and all the Clergy with a decent regard to their function; and never made his company uneasy to them, or to any others, by a profane jest, or by any shocking expression. His greatest rebuke to a Clergyman, who meddled in some affairs which his Lordship thought not pertinent to him, was only this, “Sir, remember you are to preach on *Sunday* next.”

As the Duke had a fine taste for architecture, he employed the greater part of his leisure hours in rebuilding, finishing, and adorning his noble seat at *Chatsworth*, which for the grandeur and elegance of the structure, the beauty of the gardens, and
great

great variety of well-chosen decorations of both, are not unworthy of the greatest Prince in *Europe*. Therefore we shall here beg leave to transcribe, from *Kennet*, his description of that delightful Seat *.

“ The Duke (says he) contracted with workmen to pull down the south side of that good old seat, and to rebuild it on a plan he gave to them, for a front to his gardens, so fair and august, that it looked like a model only of what might be done in after ages. When he had finished this part, he meant to go no farther; till seeing publick affairs in a happier settlement, for a testimony of ease and joy, he undertook the east side of the quadrangle, and raised it entirely new, in conformity to the south, and seemed then content to say, that he had gone half way thro’, and would leave the rest for his heir. In this resolution he stopped about seven years, and then re-assumed courage, and began to lay the foundations for two other sides to complete the noble square; and these last, as far as uniformity admits, do exceed the others by a west front of most excellent strength and elegance, and a capital on the north side that is of singular ornament and service. And tho’ such a vast pile of materials entirely new required a prodigious expence, yet the building was his least charge, if

- * In one of the magazines we find the following lines wrote.

On CHATSWORTH House.

*Qualiter, attonitus, Venetas, novus advena, turres,
Surgentes mediis, navita cernit, aquis;
Sic rupet, aeriis spectans de rupibus, hospes,
Cui, subito, emergit Devoniana domus.*

i. e.

“ As when the seaman views with vast surprize,
The proud *Venetian* lofty turrets rise,
Amidst the ocean’s waves *, with no less awe
Chatfworth’s fam’d Dome does the attention draw,
When from the tow’ring rocks, the charming sight
Fills the beholder’s mind with wonder and delight.”

- * The City of *Venice* is built on seventy two little islands, which are situated in the *Adriatic* sea, at some distance from the coast of *Italy*.

regard

regard be had to his gardens, water-works, statues, pictures, and other of the finest pieces of art and of nature, that could be obtained abroad or at home. One of the first rooms he finished was the Chapel, which he made not only as decent, but as splendid as any in a Protestant country. The area is black and white marble, laid in the most agreeable manner, not embarrassed with any seats, but made convenient with chairs placed along the walls, and cushions for the use of strangers and servants. The walls are wainscotted with cedar and cypress in large pannels, and carved works between them, about the height of eighteen foot: And then the remainder of the walls, and the whole roof, adorned with exquisite painting of the miracles of our Saviour, &c. The gallery at one end for the chief of the family, is very neat and suitable, supported by two black marble pillars, not jointed, fifteen inches diameter, twelve foot and a half high. The Altar-piece is an admirable frame of white marble and alabaster, supported by two pillars of black marble, adorned with lively statues on the top of each of them, representing Religion and Virtue, and with a Dove and Glory very curiously cut in stone; and over it, in an oval black frame, a picture of St. Thomas convinced of his infidelity by our Saviour, said to be the finest piece that was ever done by *Verrio's* hand. It is the more to be admired, that all the marble and alabaster was cut out of neighbouring quarries, and the four pillars of black marble were hewn out of one and the same massy stone. I leave the apartments, and all the other glories of the house, for a subject of surprise and admiration to any that shall go to see them. There is, indeed, one interruption in such a sight, that the situation seems to be somewhat horrid; but upon review, this really adds to the beauty of it, as well as to the plenty round it: The valleys open with greater amazement, and the rocky hills hang

hang over in a more awful guard of it. The truth is, that the glorious house seems to be art insulting nature, and the imminent mountain seems to be nature despising art, and triumphing over the attempts of it. It will bear the report, that when the Marshal Tallard came hither with some of his fellow prisoners, by invitation of the Duke, and was nobly entertained for several days, he is said to have parted with this complement, "*My Lord, when I come hereafter to compute the time of my captivity in England, I shall leave out the days of my enjoyment at Chatsworth* *.

" In short, he seemed to build, as the inimitable artist painted, to eternity; but, alas! it is with every glorious pile, as with our mortal body, *That house and this must be dissolved, our only hope and trust is in one made without hands in Heaven.*

" We have followed this great man thro' most of his steps in life, let us now pass on to his last sickness and death. In that time of sickness, he sent for an eminent Prelate to visit and assist him, who found him in a full disposition to make his peace with God. He confessed his being very much troubled for the lateness of his repentance, which he hoped was sincere, and desired the Bishop to pray heartily with him to God, that he would be graciously pleased to accept it. He professed himself to be truly sorrow-

* A late writer, speaking on the same subject, goes on thus: " When we consider (says he) the public and political scenes he was engaged in, we are astonished how he had leisure to erect such a fabrick as *Chatsworth*, or make such a collection of the *Virtu*, (as it is perhaps absurdly called,) as can be matched by few subjects in *Europe*; for his Grace had such a peculiarity that every thing about him was of a piece. His house in grandeur and elegance corresponded with his mind; his gardens to his house, his furniture and ornaments to both. It may not perhaps be impertinent to say, that he reared this noble fabrick, and made those immense collections, at a time when a true taste in architecture, painting, and sculpture was by no means high in *England*."

ful

ful for all the many great sins and errors of his life, and did humbly and earnestly beg forgiveness of God for them. He was truly sensible of the injuries he had done to others, and in a great readiness not only to ask their pardon, but also to forgive others all the offences and injuries they had done to him.

“ He professed his belief of both the truth and excellency of the Christian Religion, and particularly did declare, that he firmly believed all the Articles of the Apostles’ Creed. He was very desirous to receive the Holy Sacrament, and seemed well to understand the nature and ends of it, and shewed great devotion when he did receive it.

“ His reason was sound and clear to the last. He made his will sedately and prudently. He took care for doing justice, and then for doing charity: And every time the Bishop attended him, he declared again; “ That he did unfeignedly repent of his sins, and requested his Lordship, that he would not only pray with him, but, in his retirements, pray to God heartily for the pardon of them. In the absence of the Bishop he would not bear any intimations of profaneness. He exhorted others to repent, and live better in time of health, and told them, they would have a different view of things, when they came to die. He seemed at last to have obtained his desire of being in peace with God: For he bore his pains and weakness with invincible patience and contempt of death: He asked how to obtain the wish of *Augustus*, the easiest way of dying.

“ In fine, after a severe indisposition, that would not yield to the art of the best Physicians, he sunk extremely in his body, without any alteration in his mind and senses, and with a full prospect of death, and a Christian preparation for it; he set himself, as it were, an hour of departure, and when that came, he fell asleep, not merely like an ancient

Roman,

Roman, but rather like a good Christian†, about nine in the morning, Monday, August 18, in Devonshire-House, Piccadilly, in the 67th year of his age*.

† “ We have had (says Kennet) other great men, of celebrated parts, who had been carried away by keeping of bad company, (such as the Earl of Rochester, &c.) into extravagant vices and follies, and yet, upon the prospect of death, these men of understanding have felt the excellent spirit to move within them; they have retracted their loose opinions, they have repented of their grievous sins, they have made their peace with God, and have died, nay, have sometimes recovered and lived, like true unfeigned Christian converts. So great are the powers of religion to work most upon the largest capacities.”

* As the Duke of Buckingham made a great figure in King Charles the II's reign, and was well known to his Grace of Devonshire, then Lord Cavendish, we shall present our Readers with his character, extracted from Dryden's before mentioned poem of *Abfalom* and *Achitophel* (who was well acquainted with his foibles) under the borrowed name of *Zimri*:

“ Such were the tools; but a whole Hydra more
Remains, of sprouting heads too long to score.
Some of their chiefs were Princes of the land;
In the first rank of these did *Zimri* stand:
A man so various, that he seem'd to be
Not one, but all mankind's epitome.
Stiff in opinions, always in the wrong;
Was every thing by starts, and nothing long;
But, in the course of one revolving moon,
Was Chemist, Fidler, Statesman and Buffoon:
Then all for women, painting, rhiming, drinking:
Besides ten thousand freaks that dy'd in thinking.
BLEST MADMAN, who cou'd every hour employ,
With something new to wish, or to enjoy!
Railing and praising were his usual themes;
And both (to shew his judgment) in extremes:
So over violent, or over civil,
That every man, with him, was God or Devil.
In squandering wealth was his peculiar art.
Nothing went unrewarded, but desert.
Beggard by fools, whom still he found too late:
He had his jest, and they had his estate.
He laugh'd himself from Court; then sought relief
By forming parties, but could ne'er be chief:
For, spite of him, the weight of business fell
On *Abfalom*, and wise *Achitophel*:

M m

Thus,

After his death, the necessary preparations were made for the funeral solemnity: his Grace's body was carried from his house with a great deal of pomp and splendour thro' the *Strand* and City, followed by a vast train of coaches, and was interred in *Alballow's Church* in *Derby*.

Thus, wicked but in will, of means bereft,
He left not faction, but of that was left."

Now as the Duke had spent a very singular life (far different from our Hero's) we shall also here lay before our Readers *Pope's* account of his exit, that he may see, by comparing one with the other, how resigned the latter ended his days, and how strangely the former quitted this mortal state for that of another.

"In the worst inn's worst room, with mat half hung,
The floors of plaister, and the walls of dung;
On once a flock-bed, but repair'd with straw,
With tape-ty'd curtains never meant to draw,
The *George* and *Garter* dangling from that bed,
Where tawdry yellow strove with dirty red;
See *Villars* lie, alas! how chang'd from him
That life of pleasure and that soul of whim.
Gallant and gay in *Cliveden's* proud alcove
The bow'r of wanton S——y and love;
Or just as gay at Council in a ring,
Of mimic'd Statesmen and their merry King,
No wit to flatter left of all his store,
No fool to laugh at, which he valu'd more,
There victor of his health, his fortune, friends,
And fame, this Lord of useless thousands ends!"

What reflected great dishonour on the Duke was, that after he had killed the Earl of S——y in a duel, he lived publicly with his Lady. When we consider the Duke's great failings, it is not to be so much wondered at, that he could not be prevailed on to serve men of merit in distress, notwithstanding they had been extremely useful to the Royal Cause. Witness *Builer*, &c.

He was son and heir of *George Duke of Buckingham*, murdered by *Felton*, in the year 1628. He was born the 30th of *January*, 1627, and died *April* 16, 1687. As he relieved no distressed merit, so he never cheered the widow and fatherless; and as he lived a profligate, he died in misery, and was at last a by-word and a jest, unpitied and unmourned.

Bishop

Bishop Kennet, in his Memoirs of the illustrious family of *Cavendish*, has drawn the following picture of this truly great man:

“His Grace was formed by nature and education for every thing that was just and honourable; his mien and aspect were engaging and commanding; his address and conversation civil and courteous to the highest degree: He had great skill in languages, was a true judge in history, a critic in poetry, had a fine hand in music, an elegant taste in painting, and, in short, was justly accounted a Nobleman of universal learning.”

In this short sketch we have only the outlines, as it were, of the beautiful portrait, that *Kennet* is here attempting to draw; but at length he gives the finishing touch, by thus summing up the most essential part of the Duke's character.

“Some persons (says he,) have had the vanity and wickedness to boast, that he died, in their language, *like a man*, and, in their nice phrase, *like a Gentleman*: But, whatever they mean, he died with repeated professions of faith, and open declarations of repentance, besides evident tokens of charity, and all the preparatory offices of Religion; that is, *he died like a Christian*. In every public station he was at all times firm to the true interest of the Crown, the legal establishment of the Church, the antient privileges of the Peers, the fundamental rights of the Commons, the equal balance of *Europe*, and the original liberties of mankind. He lived up to the character he gives himself on his tomb, *a faithful subject of good Princes, a bater of tyrants, and hated by them*; and therefore he paid all the duties of honour and obedience to the Queen, with an heart untainted and unshaken.”

Before we give our own sentiments on the most interesting part of the Duke's character, and attempt to expatiate on those political abilities, to which this

Nation owes, in great measure, all its present blessing and wherein it is much to be wished that every Minister would follow his example; we shall have the liberty of transcribing what a modern writer says on the same subject.

“The Duke was so great an ornament to the Nobility, and to his Country, that somewhat ought to be said, in regard to some parts of his character, which I have not had an opportunity of introducing in the narrative of his life. His Grace’s former Biographers have introduced Poetry, as one of his capital perfections. It might have been considered as such in another Noblemen, even of great merit, both public and private; but in the Duke of *Devonshire’s* character it is scarce a secondary accomplishment; because, in poetry, he has been *exceeded by others*, tho’ he never was in those virtues and accomplishments that constitute the Patriot, the Senator, the honest Man, the fine Gentleman, and all that is amiable, as well as great in life.”

The Duke, it is certain, was no professed Poet, and, considering his innumerable avocations, had but little leisure to exert his talent this way; but we can by no means agree with this writer, that such poetry as his (which it is impossible to read without pleasure, mixed at the same time with a sensible regret, that we have no more of it,) should be deemed scarce a secondary accomplishment in one, who is allowed to have excelled in so many other respects; for as to the reason on which this assertion is founded, to wit, *that tho’ none exceeded the Duke, both in public and private virtues, yet he has been exceeded by others in poetry*, and therefore, we are given to understand, that the dwelling on this particular is rather a diminution of so great a character: But we boldly aver, that, tho’ many have wrote longer pieces, none ever wrote finer, whether we consider the beauty of the poetry, or the importance of the matter. *Lucan,*

as every one knows, had no less of the Patriot than the Poet, and it is hard to determine for which he is most distinguished: No less a friend to liberty and favourite of the Muses than our illustrious Duke, he purposely wrote his *Pharsalia*, to assert his country's rights, and to scourge those lawless tyrants and usurpers, who built their grandeur on its oppression. Now we appeal to the greatest connoisseurs, either in politics or poetry, whether the most admired lines in that poem, which is of a considerable length, have any thing superior, or indeed equal, to what our ever honoured countryman has given us on the same noble subject. The following short specimens will speak for themselves:

“Here *Anna* reigns, a Queen by Heaven bestow'd
To right the injur'd, and subdue the proud.
As *Rome* of old gave liberty to *Greece*,
Anna the invaded sinking Empire frees,
Th' Allies her faith, her power the *French* proclaim,
Her piety th' oppress'd, the world her fame.”

I need not here inform the Reader, that the justly celebrated Archbishop of *Cambrai*, Author of the *Adventures of Telemachus*, had been appointed Preceptor to the Duke of *Burgundy*, father to the present King of *France*; who can read the following lines, addressed to that learned and virtuous Prelate, in one of the Duke's poems entitled, *An Allusion* to his supplement of *Homer*, without feeling an exquisite pleasure?

“There is a virtue, sure, a hidden charm,
To force esteem, and envy to disarm.
Else, in a flatt'ring Court you ne'er had been design'd
T'instruct the future troublers of mankind.”

Perhaps we might have spared ourselves the trouble of this little criticism, by transcribing what this writer immediately adds: “However (says he,) his poetry had a quality in it, that few poetical compositions can boast of; it seems to burst from an heart
big

big with a manly disdain of tyranny, either civil or spiritual, and this spirit gives it a glow, and a kind of sublime, that a well disposed mind only can feel, while, in many places, his numbers are as harmonious as those of any *English* poet." This concession, we apprehend, not only contradicts what he had said just before, but sufficiently confirms what we have here asserted.

But to dwell no longer on this point, let us speak in general terms of the Duke's great abilities, as a Minister and Statesman, and partly repeat here again by what means he acquired that consummate skill in the management of public affairs, the happy effects of which we feel to this day. His high birth and alliance placed him in the first rank of the *British* Nobility. This gave him continual opportunities of conversing with those of the best quality, but none had so great a share in his friendship, as those who were more distinguished for their virtues than their titles. Among whom, as we have said, was the late Earl of *Dorset**, who may justly be looked upon as one of the brightest ornaments of that age, no less conspicuous for patriotism, than the encouragement given to men of merit. In this last particular, the infallible criterion of a truly noble and generous mind, none surpassed the Duke of *Devonshire*. The learned and ingenious in every art and science found in him a real patron. He did not think it beneath his dignity to converse with men of all conditions, by which condescension he often received such hints, as served for his government in the most intricate and weighty affairs. He even invited to his house such persons, in the mid-station of life, as he found to be men of abilities, entertaining them either in public

* *Lionel*, the eldest son of this noble Lord, was, on account of his extraordinary merit, created Duke of *Dorset*, in 1720.

or private, and by their means learned numberless particulars, useful both to himself and his country, which he could never have known, had he treated his inferiors with that stiffness and distance too much practised by modern (we were going to say weak and conceited) Statesmen. In this he may not be improperly compared to the industrious bee, which extracts its fragrant sweets not only from the costly flowers that adorn the *Parterres* of great men's gardens, but also from the humble cowslip and violet, that spontaneously grow in common meadows, the wild produce of nature, and perhaps a much richer juice from the latter than the former. To apply this comparison; in plain *English*, it will, we presume, be disputed by no one, that a man of a middling, and even very low station of life, tho' not blest with the gifts of fortune, may be endowed with excellent abilities, and, in many important cases, be able to point out to prime Ministers such salutary measures as escaped the penetration of those, who have the honour of sitting at the Council Board, which, it pursued, would not only redound to their honour, but prevent their meeting with infinite embarrassments, like any other men in private life. A Minister, who is above advice, let it come from what quarter it will, is in the ready road to destruction; at least, he will find to his cost, that many things have been concealed from him, by a set of sycophants and flatterers, which a Minister can never be too minutely informed of. He little thinks of the benefit which he may reap from some honest and faithful monitors, and the ill consequences of treating them with a supercilious neglect and contempt. Happy would it be for those at the helm of affairs, were they to follow the example of this illustrious Duke, whose life we have now given; that is, by lending a ready ear to every well-intended advice, and if not reward-

ing,

ing, at least treating the advisers with courtesy; which, tho' it costs nothing, is thought too great a condescension now-a-days. For tho' we make no doubt but the Duke of *Devonshire* was sometimes troubled with impertinent addressees, as other great men have been since, and ever will be; yet such was his affable deportment, that he gave no one cause to be displeased with him; and such his prudence, as never to reject any hint, that might be really useful to him, tho' it came from the meanest person; and nothing of this kind ever went unrecompensed. But as to the blessed times we live in, we cannot say, with justice, *Virtus laudatur & alget*; Virtue and public spirit are commended, indeed, but at the same time left to starve; for the truth is, men of real merit, and who have spent their lives in the service of the public, are not only seldom or never rewarded, but scarce so much as thanked for their pains. A fondness for pleasure, and an immoderate love of money, which enervate the mind, and divert it from every rational pursuit, seem to be the predominant passions of too many at present.

The candid reader will easily pardon this short digression, which, however, is not entirely foreign to the subject, as the contrast we have here drawn sets the Duke's character in so amiable a light. As to the virulent libels which flew about at the time of the Revolution, when party feuds ran so high, and people's minds were so much embittered against each other, it is not at all to be wondered at, that a Nobleman, who had so great an hand in bringing about that glorious work, should have been abused by those who did their utmost endeavours to prevent it. Among other invectives, we are told, by an obscure anonymous writer of those days, that the Duke lived like a *Libertine*, and died like an *Atheist*. Such calumnies are too gross to need a refutation. We shall

shall therefore say no more, with respect to our great Patriot, than that, altho' as a man, he had, no doubt, his failings, yet these, like the spots in the sun, are lost amidst the lustre of his virtues. There may be such spots, for aught we know, in that resplendent luminary, and Astronomers assure us there are; but so long as we feel its benign influence, the world gives itself no concern about them. In like manner, if a truly great man has his foibles, (and who was ever without them?) shall we dwell on these, which are of no consequence, and forget those virtues which render him a blessing to mankind? It has indeed been the fate of the best men, in every age, to be exposed to the venomous darts of envy and detraction; but truth will at length prevail, and posterity do that justice to their memories, which was denied by their contemporaries.

The following Poem was written by a Lady, soon after his death.

*To the Memory of his Grace, the late Duke of
DEVONSHIRE.*

ILLustrious shade! to Times decease renown'd,
With arts best gifts adorn'd, and nature crown'd,
Born to command our hearts, and tempt our eyes,
Brave, beautiful, wealthy, bountiful, and wise,
Accept the tribute sad *Dorinda* pays,
And since thou'rt past her prayers take her praise.
Could vows have sav'd thee, or could tears retrieve,
Britain would not for *Britain's* patriot grieve;
Those eyes of mine whole fountains had supply'd,
And to preserve her Lord, *Dorinda* dy'd.
But Heav'n has made resumption of its grant,
And we must mourn him lost that all must want.
Breathless he lies, whose high majestick port,
Gave brightness and fresh lustre to the court;
Whose awful sweetness challeng'd our esteem,
Our sex's wonder and our sex's theme,

N n

Whose

Whose soft persuading looks our breasts assail'd,
He came and saw, and at first sight prevail'd.

Not but the hero with the lover join'd,
Courage inform'd his breast and fill'd his mind,
Deep Counsels in him to perfection wrought,
Shew'd reach of argument and strength of thought,
Firmness of judgment, and substantial schemes,
Beyond imaginary fruitless dreams,
Which others, of a brain less cool, propose,
Nor *Britain's* advocates nor yet its foes.

Who now, since he the race of fame has run,
And either sex's best affections won;
Who now shall at the helm of state preside,
To be at once our champion and our guide?
O *Ca'ndish*! born to save us by descent,
Too little for thy country's welfare lent,
Look down from thy bright residence above,
And view *Britannia's* sorrows and her love,
See her on thee her sighs and tears bestow,
Ineffable her grief, immense her woe.
As just to merit, and to duty true,
She gives departed virtue virtue's due.

Yet are we not surrender'd to despair,
Thy virtues are surviving in thine heir,
In him what we lament, departed shine,
And he's possess'd of attributes were thine.
Truth, justice, loyalty, the chief proclaim,
Bold is his heart, as spotless is his fame,
Fast in resolves, from nice experience drawn,
Such thy Meridian light, and such his dawn.

So when *Aeneas* pluck'd the golden bough,
That fate might his infernal pass allow,
Another branch from the rich tree appear'd,
Of the same worth with what before it rear'd."

His Grace had issue three sons and one daughter by his Dutches (the Lady *Mary Butler*, who was only wife, and with whom he passed many years with the most uninterrupted harmony and affection).
1. *William*, afterwards the second Duke of *Devonshire*; 2. Lord *Henry Cavendish*, Representative

the Town of *Derby* twice, who died *May* the 10th, 1710, leaving issue by his wife, *Rboda*, daughter of *William Cartwright*, of *Aynoe*, in the County of *Northampton*, Esquire, one daughter, *Mary*, married to *John* Earl of *Westmorland*; 3. Lord *James Cavendish*, of *Staley Park*, in *Devonshire*: He married *Anne*, daughter of *Elibu Yale*, Esquire, formerly Governor of *Fort St. George*, by whom he had a son and a daughter, *William* and *Elizabeth*; 4. Lady *Elizabeth Cavendish*, his Grace's only daughter, married to Sir *John Wentworth*, of *Broadsworth*, by whom she had three sons.

✂ Omitted in page 203, line 34. after the following words, Lord Steward of it, add, Here we cannot but observe another remarkable instance of his Lordship's greatness of soul, which was this: One offered him a very large sum for the liberty of filling up the vacant Places in his gift, as Lord Steward, and would have brought a list of three names for each place, that his Lordship might chuse one; but he not only rejected the offer with scorn, but severely reprimanded the tempter, forbad him his house, and would never afterwards speak to him. It is to be hoped, that his Lordship's successors have since followed so beneficent and laudable an example.

E R R A T A.

Page Line		Page Line	
29. 11.	for were read was.	243. 29.	for people read Commons.
33. 16.	for House adjourned read	244. 15.	for Members read numbers
	Parliament was pro-	255. 11.	for she read her Majesty.
	rogued.	ib. 12.	for the read but.
37. 13.	after which add last.	16.	dele the.
193. 29.	between the words mistaken	17.	for she read the Queen.
	from place a †.	36.	after more add be that as
224. 2.	for censorious read censuring		it will.
243. 20.	after than add by.	265. 24.	for father read grandfather.

The Author hopes that the candid Reader will be so kind as to pardon any other Errors, besides what he has above, and in the next page, taken notice of, which in his absence have escaped correcting. Indeed, he assures himself of being readily excused in these particulars, by those who are acquainted with the infinite fatigue, trouble, and expence that attend the collecting proper materials for compiling and printing a work of this nature,

The

The late indefatigable Antiquarian, *Arthur Collins*, speaking of Authors, intimates, that those who have bent their minds to the study of Antiquities and Genealogical Memoirs, have met with so little encouragement, that he is certain nothing but an innate desire to preserve the remembrance of the glorious actions of great and deserving men, could ever excite them to be at the labour and pains of searching into Records, Manuscripts, &c. that must necessarily be consulted before the publication of their works, the expences of which are only known to the few who spend their time therein.

For my own part, I can safely aver, that for near thirty years I have often wrote (for days together) from early in the morning till late at night, in order to complete the different Historical Accounts, and other matters I had undertaken; and, thank God, I have almost compleated them. In fact, what I had chiefly in view, in the arduous task I had set myself, was that of doing justice to my native country, by endeavouring to explain the nature of its Laws and Constitution, (not as a Lawyer, but an Historian) and at the same time clearing from unjust imputations the Characters of several worthy and deserving men.

In the course of my searches and enquiries I have had an opportunity of detecting several gross Forgeries, particularly of one of the Writers of our History, I mean the infamous *Polidore Virgil*, an *Italian*; insomuch that most of the subsequent Historians, taking him for their guide, have for near two centuries, handed down to posterity an infinite number of falsities, and imposed them upon the world as so many truths, to the great disgrace of this magnificent Nation, as well as to the dishonour of the majesty of History.

ERRATA in the Life of the second Duke.

Page Line

- 4 5. *dele* I think it in a great measure.
- 6. *after* they add seem to, and *dele* seemed to hold forth, that the axe is laid to the root, and that they.
- 17. 20. *for* three read two.
- 18. 11. *in the Note*, *for* Marquis of *Hurington* being thirteen read near fifteen.
- 24. 37. *in the Note*, *after* battle add which,
- 25. 1. *after* Marlborough, add beat them at the battle of *Oudenarde*, and then.

Page Line

- 28. 2. *after* Rochester, add President of the Council.
- 63. 36. *for* no read the; *for* so read very.
- 77. 9. *dele* Thomas.
- 80. 13. *for* in order to inforce read wherein he opened.
- 37. *af.* the, add majority of the
- 93. 32. *after* been add one of
- 98. 42. *in the Chancery account*, add then.
- 43. *for* beginnings read beginning.
- 100. 21. *for* this read it.
- 105. 29. *for* note read account.
- 110. 10. *dele* last.

T H E

L I F E of W I L L I A M,

the Second Duke of DEVONSHIRE.

WILLIAM, the second Duke of *Devonshire*, was trained up in the service of his Country from his early youth, for in 1692 he served as a volunteer under King *William*, during that campaign in *Flanders*.

After the peace of *Reswick* he made a tour to *France*, and as soon as he came of age he was returned a Member of the House of Commons, and in the 7th year of King *William* he was elected one of the Knights of the Shire for the County of *Derby*, and was one of those who voted for the House of *Hanover* succeeding to the Crown, in case of the deaths of King *William* and the Princess *Anne* of *Denmark* without issue.

1702. In the first Parliament called by Queen *Anne*, his Lordship was elected one of the Knights for *Yorkshire*, and was made Captain of the Yeomen of the Guard *.

1703 †, and 1704. His Lordship was one of those who opposed the occasional Conformist Bill,

* This year the following eminent persons died: Dr. *Gale*, a great Antiquarian, Divine, Historian, and eminent *Grecian*; *Anthony*, the tenth Earl of *Kent*; *Robert Spencer*, Earl of *Sunderland*, one of the greatest politicians of his age; *Robert Sidney*, Earl of *Leicester*; Admiral *Bombourne*; *William Stanley*, Earl of *Derby*; the Marquis of *Blandford*, at *Cambridge*, of the small-pox, and only son of the Duke of *Marlborough*.

† March the 3d died *Robert Stooke*, LL.D. the first inventor of pendulums to watches.

November the 26th, this year, happened the severest tempest ever heard of in this Kingdom; the gusts resembling thunder,

* A

attended

and also that of committing of the five *Aylesbury* men for a Breach of Privilege.

1704. Here we shall give some account of the Proceedings of the House of Commons, in the great Cause of *Albby* and *White*; for as to what passed concerning this famous affair in the House of Lords, we have already related it in the foregoing Life*.

January the 25th, 1703, the Commons resolved themselves into a Committee of the whole House, to consider what the Lords, in their judicial capacity, had been doing of in that cause.

Mr. *Freeman* being in the Chair, opened the nature of the case, which tended to censure what the Lords had done on a Writ of Error brought by the Plaintiff, *Albby*, to reverse a Rule made by the Court of *King's-Bench*, to stay Judgment being entered for the Plaintiff upon a Verdict obtained against *White*, one of the returning officers for Members to serve in Parliament, he having refused to take the Plaintiff's Vote.

"The case being tried, (says Mr. *Freeman*) I should be glad if they can shew me that such an

attended with violent flashes of lightning; the damage done at *London* was computed at one million; at *Bristol* at 150,000*l*. At *Bath*, the Bishop and his Lady were killed in their bed. We lost at Sea fifteen men of war, and most of the crews. The *Edystone* Light-house was swept into the Sea, and Mr. *Winstanley*, and all his people, drowned. The water flowed a great height in *Westminster-hall*, and *London-Bridge* was choaked up with the wrecks of barges, &c. so that the *Thames* made a very dismal appearance.

This year also died the Earl of *Orrery*, a good dramatic poet; as did also *St. Evremont*, aged ninety, well known for his writings in the *Belles Lettres*.

*The following, among other eminent persons, died this year: The immortal *Locke*, so well known by his excellent philosophical writings: Sir *Roger L'Estrange*, one of the famous time-serving scribblers of his age, and author of many pieces; and Colonel *Titus*, a very bustling politician in the reigns of King *Charles I*, *Charles II*, and *James II*. He wrote that remarkable piece, in *Oliver's* time, called *Killing no murder*.

Action

Action as this was ever brought against a Returning Officer before; I am sure they cannot; and which in our law is allowed a good argument that no Action lies; especially it being a case which cannot be presumed, but may happen very often, almost in every election: And I believe there never was a new Parliament called, but frequent occasions might have been taken for such an Action, and better founded than this of the Plaintiff's, who was a poor hostler, and removed from *Ailesbury* by the order of two Justices, as being likely to become chargeable. But it seems our ancestors reposed a confidence in their Representatives to have right done them in such cases: They sought not relief from common Juries. And what is now done by this attempt? Why the Judges, upon their Oaths, say, that they have no cognizance of the cause; but notwithstanding what they have said, the Lords say they have cognizance, and reverse this Judgment; and the consequence of that is, the Lords will judge of this our undoubted Privilege, never till now drawn into question; and by the same reason and law the Lords may sit in judgment upon all other of our Privileges, and thereby we may become depending upon them; which some, without doors, I find, are willing to submit to; for that they say where one is deprived of his right, he ought to have damages, which the House of Commons cannot give."

Sir *Thomas Powis* spoke on the same side; and among other things, said, "I must confess I take the case of the elected to be much stronger than the case of the Elector, and yet in such case relief at Common Law was always denied;" and then he instanced the cases of *Barnardiston* and *Swaine*, as well as that of *Onslow's*; and in the conclusion of his speech said, "*If this Action should be allowed, he believed it might have an effect upon the Constitution.*"

Sir

* Sir *Edward Seymour* spoke next on the same side, and in the conclusion of his speech said: "For my part, Sir, I do not think this to be the single instance of our having reason to complain of the House of Lords. I think it in a great measure, by their Proceedings they seemed to hold forth, that the axe is laid to the root, and that they have a dislike of this House of Commons, and endeavour to get rid of them."

Mr. *Lowndes* spoke also against their Proceedings; and after explaining the nature and authority of the House of Commons, in respect to determining elections, he concluded with saying, "That the rights of the people of *England* are safer in the hands of their Representatives than any other: if they do not like them, they can turn them out and chose new ones; but they cannot do so in the case of the Lords."

Mr. Solicitor General was of the same opinion, as were also Mr. *Harley*, the Speaker, and Mr. Serjeant *Hooper*; and, to wind up the whole on that side, Sir *Humphry Mackworth* made the following trite observation: "The Lords, (says he,) seem to contend for the right of the subject, but I wish it is not for a power to enable themselves to judge and determine as they think fit of all our rights and liberties; for this is the necessary consequence of allowing an elector to have a remedy in any other place but within these walls."

We shall now lay before the Reader what was said both in favour of Action, and in justification of

* The cases of *Barnardiston*, *Swaine*, and *Onslow*, the other side fully answered, and shewed, that neither of them, taking all the circumstances together, were relative to the present case: And therefore we have omitted to enlarge on what either party have said on that head: and those who are desirous of seeing the Debates at large, we refer them to a little book, intitled, *Ashby and White*; on the great Question whether an Action lies for an Elector who is denied his vote for Members of Parliament, debated and resolved; printed in the year 1705.

the Lords Proceedings on the Writ of Error which was brought relating thereto.

The Marquiss of *Hartington* spoke in favour of the Action, thus: "I shall not pretend to follow one of the Gentlemen (who has already spoke in this debate) every step he has made. I believe if I did, I should be as regular as he; I think he hath only shewed, that there is not so much reason, in this case, to find fault with the Lords; but it is necessary to find fault with them one way or another.

"I apprehend this is a matter of great consequence, and as long as I sit here, nay, as long as I live, I shall be as tender of the Privileges of this House as any body. I believe it is upon the due ballance of both Houses that the safety of the whole does consist; and I must confess, I think the liberty of a cobbler ought to be as much regarded as of any body else; that is the happiness of our Constitution.

"I think it was very well observed by an experienced Member, that this Writ came very regularly before the Lords: if so, then I think the question is between us and the persons that elected us; and I think the Gentlemen would not formerly allow of any distinction between the Privilege of the House, and those of the people of *England*; yet they must allow it now, or they cannot complain that this Action is any prejudice to this House; for when a person offers his vote at an election, and is not admitted to give it, and upon such refusal, as in the present case, brings his action in the Courts in *Westminster-Hall*, if giving judgment upon it be contrary to the Privilege of this House, then it is pretty plain that our Privileges do interfere with the rights of the people that elected us.

"Gentlemen talk of the law of Parliament. I cannot see how that can give any interruption to the law of the land, that it shall not do right to the party grieved: how shall a man injured, in the manner I

have mentioned, receive satisfaction by applying to the Parliament? 'Tis true, the officer offending may be punished, but the party injured cannot receive that satisfaction he would in the Courts below, by giving him his damages.

"I think this is a matter of great consideration, and it is necessary to consider well of it, and not to determine rashly. I think it may be of use to us, since there are Judges who have been of opinion, that the subject ought not to have his remedy in this case. A Judge that will, out of fear, or any regard to one House, do contrary to his oath, I believe at another time will be influenced by the other: I think it is the duty of a Judge to act according, and not be afraid of either*."

Sir *Joseph Jekyll*, late Master of the Rolls, a very able Lawyer, spoke on the same side: "I take the right of every elector to accrue to him by the Common Law, and is under one or other of these qualifications; that is, if he is a freeholder, then he has a right to vote for Knights of the Shire; or he has a right by charter, or a right by prescription, which two last give a right of voting in all cities and boroughs. Now I would be glad to know, whether the right of a freeholder is not by the common law? Is it not an estate, with all its privileges and services, created by that law? Whether a right by charter is not by the common law? Is it not that law that enables the Crown to grant charters, and qualifies that power? Whether a right by prescription is not by the common law? Is not prescription common usage? and is the common law any thing but common usage? So that the right of every elector being by the common law, the judgment of that right is primarily and originally in the Courts of Law.

* That was always the determined resolution of that great and learned Lawyer, the Lord Chief Justice *Holt*.

"It has been said, it is evidently necessary that the House do judge of the right of the elector; and it has been said (but that I deny) that the right of the electors is by the law of Parliament.

"A great many things have been also said, not proper for you to determine upon; one, *that it will encourage a multitude of suits*, (that was said by Sir Thomas Powis;) another, *that this action was never brought before*, (see Mr. Freeman's speech;) and several other matters which go to the question, whether the action will lie. Now that is not the question here; but the true and only question before you is, whether this action was brought in violation of your Privileges? For if there be no Breach of Privilege in it, I know of no authority we have to stop the course of legal proceedings."

Mr. Cowper, afterwards Lord Chancellor, and for whom the Marquis of Hartington had a high value and respect: "I perfectly agree with an honourable and learned Gentleman that spoke in this debate, in what he laid down as an undoubted maxim or groundwork for the opinion he delivered, that the law and custom of Parliament is part of the law of the land, and as such ought to be taken notice of by all persons. And I think it is the exact standard by which we ought to walk.

"I will go a step farther, that as you have the sole power to try the right of election, and consider the right of the electors, to the end I mentioned, to determine who shall be admitted here; so I grant it hath been the law and custom of Parliaments (how antient I will not enquire) to punish the offenders, particularly the Officers and Magistrates presiding at the election, for doing any wrong or injury in his office on that occasion, in order to make him an example, or as an offender against the publick, and the constitution of Parliament; so far I grant you have a just right to go, and nobody ought to inter-

fere with you. And the deduction my poor judgment is apt to make from these principles, is this, that we ought not, out of zeal to our own jurisdiction, to go one step farther than that known law and custom of Parliament will warrant us to do.

“ But now we are carrying the matter yet further: The question now is not, whether we have the sole right to punish the officer as a public offender; this Action is not brought to that end; nor is there a word in the declaration, who was, or was not duly elected, or that the Constitution or Privilege of Parliament was violated. But the Plaintiff only says, he had a right to vote, and that he was injuriously denied it; (whether the right or wrong Member was returned he meddles not with it;) and he submits it to the Court and the Law, whether he ought not to have damages for that wrong? And the question now is, *Whether that demand of damages was not well founded? or whether there is any thing in this contrary to the law and constitution of Parliament?* Law depending on custom, certainly consists not in, and is not to be made out by, one act, but by often reiterated acts; and that must be very far from being the law and custom of Parliament, which is so far from being a frequent repetition of acts or precedents, that in this case there is not one instance where an elector hath brought his petition, without regard to the return made, and desired his particular right to vote might be tryed and asserted, he having been obstructed and injured in giving his vote; nor was ever such elector repaired in damages here, nor ever had his particular right to vote resolved and asserted by any judgment or declaration of this House.

“ It is said, the right of electing was a service; how true, I doubt upon the reason of the thing: a service was often a part of the tenure by which a man held his land till it came up to the Crown; and the service was originally created by grant and reservation.

vation. Now can any one imagine, that where one holds a small freehold, any such tenure was created between him and his immediate Lord originally by reservation, as that he should vote to send Members to Parliament?

“In our own case, when a matter concerns us, we think we ought, when injured, to be recompensed with double damages; and shall we declare it a mere service, in the case of our Electors, not to be recompensed even by single damages, and that after the undoubted rules of the common Law have adjudged it their due; for I do not find any body doubts, whether this man has proceeded in the legal method throughout, even in the last resort. *The Lords have not judged the fact, they are bound as to the fact by the Verdict, and they are unquestionably the Judges of the Law on a Writ of Error. And therefore as to what hath been said, that any fact of an election might come to be determined before the Lords, it is a great mistake, for they judge purely of the Law on Writs of Error, as every one knows, that knows any thing of our Constitution. So that an objection in point of Law here to the judgment of the Lords will not hold, otherwise than as it relates to our own Privileges; for no body will say, that we are the dernier resort in any other respects. By the same standard and known Laws of England, if one man is so rash as to commit a multitude of injuries which severally affect several persons, it was never said that he became unpunishable by the multitude of his offences, but every one injured has his Action against him.*

“Upon the whole, I am for so much of your question as serves only to declare, that you have the sole power of determining the right of all elections, and even the electors right to vote, to the end to try who is your Member, or to punish the officer as an offender against the Constitution, so far as is agreeable to the constant Law and Practice of Parliament. But
for

for that part of the question, which relates to the restraining the electors from bringing their Actions for the personal or private damage done to them, I think it is not agreeable to the Law or Constitution of Parliament."

Sir *John Hawles*, Mr. *Dormer*, Mr. *King*, (afterwards Lord Chancellor,) Sir *Thomas Littleton*, and Mr. *Robert Walpole* spoke on the same side, in justification as well to what the Lords had done, as that the plaintiff had a right to bring his Action.

After this long Debate was over, the Committee resolved :

1. *That according to the known Law and Usage of Parliament, neither the qualification of any elector, nor the right of any person, is cognizable any where but before the Commons, &c. except in such cases as are specially provided by Act of Parliament.*

2. *That Matthew Ashby, in bringing the Action, is guilty of a breach of Privilege; and that whoever shall presume to commence or prosecute any Action, Indictment, or Information at common Law, which shall bring the right of electors, or persons elected to serve in Parliament, to the determination of any other jurisdiction than that of the House of Commons, except in cases specially provided for by Act of Parliament, such person or persons, and all Attornies, Solicitors, Counsellors, or Serjeants at Law, soliciting, prosecuting, or pleading in any such case, are guilty of a high breach of Privilege, &c.*

3. *That according to the known Law and Usage of Parliament, neither the qualification of any elector, nor the right of any person elected, is cognizable or determinable elsewhere than before the Commons of England in Parliament assembled, except in such cases as are specially provided for by Act of Parliament.*

When this last resolution was read a second time in the House by the Clerk, and the question being proposed to agree with their Committee, in respect to the

the foregoing Resolutions, our Marquis of *Har-
tington* got up in his place, and spoke to this effect :

“ I do not (says he,) expect the House will be of a different opinion from the Committee ; however, I think it my duty, when I apprehend it will be of ill consequence to the Constitution, to give my dissent in every step, because I believe it will be dangerous to the very being of this House : If this maxim had been formerly allowed, I think there would have been no need of taking away of Charters, and of *Quo War-
ranto's* ; by the influence of officers they might have filled this House with what Members they had pleased, and then they could have voted them duly elected.”

Sir *William Strickland* spoke in support of what his Lordship had said. But,

Mr. *St. John*, in answer, said, “ I shall be as tender as any man alive of *doing any thing against the liberty of the subject* ; but, I am for this question, because I take it to be the greatest security for their liberty. The noble Lord was pleased to take notice, “ That, in the consequence, the Crown would have a great influence on those that are to return the Members of the House of Commons ; and when they were in, they might vote for one another. I cannot think that the liberties of the people of *England* are safer in any hands below, or that the influence of the Crown will be stronger here than in other Courts.”

The Marquis replied, “ He thought that Gentleman had not answered what he said. For I shall never (says he) have any suspicion of any that sit in this House now ; but when those that have no right are returned, and make a majority, I think it will not be safe.”

In short, notwithstanding all the reasons that could be offered against the confirming these Resolutions, the House agreed to them ; however, though success did not attend the endeavours of those great and worthy men, who resolutely appeared in opposition

sition to an intended oppression, as they thought; yet, nevertheless, posterity will always hold in high esteem the memory of such Patriots, that deserved so well of their country; and in particular his Lordship's who, after the example of his illustrious father, appears to have been one of the first that stood up in defence of the right of Action, where a Freeholder was denied the liberty of voting at an election for Members to serve in Parliament; and so he was the last that spoke in that matter before the final question was put, as to confirming these resolutions.

1705 * and 1706 †. The next matter of consequence his Lordship appeared in, was, his being appointed one of the *English* Commissioners, empowered to treat with those of *Scotland*, concerning a Union between the two Kingdoms; he assiduously attended to that important trust; and, what is very extraordinary, notwithstanding the Nation was deeply engaged in a war both by sea and land, yet, thro' the unwearied diligence of my Lord, and other meritorious Patriots of both Nations, for such they justly deserve to be stiled, that great work was at last accomplished.

Burnet gives us to understand, that when all was agreed to, as to the Union, in both Houses, Sir Si-

* This year died the following eminent personages, viz. *Catherine*, Queen Dowager of *England*, relict of King *Charles II.*, who was a very good woman; the Earl of *Huntingdon*; the Earl of *Dalkeith*, eldest son of the Duke of *Monmouth*; *Mr. John Ray*, F. R. S. a celebrated Botanist and natural Philosopher: This year also died *Titus Oates*, of infamous memory, being notorious for his perjuries, and the part he acted in the Popish Plot, a daring bold man, who seemed at last formed for wicked contrivances of every kind.

† *John Evelyn*, Esq; died this year, aged 84, Author of several valuable Treatises, and F. R. S. as did also the Earl of *Berkshire*, Lord *Grey of Werk* (title extinct,) *John Methuen*, Esq; Lord Chancellor of *Ireland*; *William Montague*, Esq; who was removed from his place of Lord Chief Baron of the *Exchequer*, for opposing the dispensing power; and Lord Viscount *Hatten*.

mon Harcourt, then Attorney General, was ordered to prepare and bring in a Bill to enact it, which he did with so particular a contrivance, that it cut off all farther Debates on that head, and by that means the Bill immediately passed into a law*.

“And thus this great design, so long wished and laboured for in vain, (says the Bishop) was begun and happily ended within the compass of nine months time; the Union was to commence on the 1st of *May*, 1707, and till that time the two Kingdoms were both distinct, and the two Parliaments continued still to sit; and that of *England* raised the necessary supplies for the service of the aforesaid year 1707†.”

But let us now, before we proceed further in our present undertaking, make a few remarks upon this happy event; we mean the Union of the two Kingdoms.

It is indeed a trite observation, confirmed by the experience of all ages, that, as the smallest States increase and flourish by unity and concord, so the mightiest Empires dwindle into nothing, by intestine feuds and divisions. What an inconsiderable figure did the antient *Romans* make in the world, so long as they were at variance with the *Sabines* their neighbours; but when they intermarried, and united into one people, how soon did they rise into greatness!

* This matter alone, if it is true, will reflect great honour on Sir *Simon's* memory, to latest posterity.

† The following remarkable persons died this year: *John Earl of Stair*; Lord *Cutts*, famous for his personal bravery (title extinct); Dr. *Waller*, an eminent civilian, son to the great Poet of that name; Dr. *Drake*, a correct and valuable writer; *Patrick*, Bishop of *Ely*, an excellent Divine; *Verrio*, a celebrated history painter; Dr. *Sherlock*, Author of several excellent Treatises on Religion; Dr. *Mills*, well known for his excellent edition of the *Greek Testament*; *Blood*, son to *Blood the Crown-stealer*, who was for that bold attempt rewarded with a pension of 400l. a year; and *William Petyt*, Esq; Keeper of of the Records in the *Tower*, a great Antiquarian.

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But

But we need not go so far as *Italy* to verify this remark, since no country can produce a stronger proof than our own: There is not a more striking instance of the truth of this remark, than the Union between the two Kingdoms of *England* and *Scotland*. Some, perhaps, will say, that the former was a great and powerful Nation before its Union with the latter. We allow it was: But surely none will pretend to say, that it made so respectable a figure in *Europe* as it has done since. Others have insinuated, that *Scotland* is a poor and barren country, and consequently of little importance to *England*. We grant that the soil of *North Britain* is somewhat less kindly than the *South*, and that the people, in general, less abound in wealth than those who live on this side the *Tweed*. But let it be considered, at the same time, that tho' we exceed them in wealth, they are not a whit inferior to us in bravery, ingenuity, industry, and virtue, and these are the qualities, as we apprehend, that chiefly contribute to a Nation's happiness; nay, we may safely add, that *wealth without these, only administers to those vices which corrupt the manners, enervate the soul, and make the possessors an easy prey to their enemies**: Consequently, such a people must always greatly add to the strength and glory of a Nation. In short, we never heard any man speak against the Union, but one could perceive some defect either in his head or heart; and we believe there is not a well-meaning person in the whole Island, who does not bless the day when it was settled on its present basis. No longer *England*, provoked at the inroads of its northern neighbours, and jealous of their foreign alliances, is forced to divide its strength, and keep its borders in perpetual alarm. No longer

* It is but a very few years since we were on the brink of experiencing (by ocular demonstration) the truth of this observation.

Scotland, trusting to the faithless promises of the *French*, is tempted to invade a Kingdom more powerful than itself, and thereby expose its inhabitants to all the calamities of war: They are now united in such a bond of fraternal affection, as serves for mutual defence; and that martial ardour, for which both Nations are distinguished, and which, in former times, only served to destroy each other, is now exerted, with double vigour, against the common enemies of both. No other emulation is left between them, but how to exceed each other in those accomplishments which render a people happy at home and respected abroad. How infatuated must our ancestors have been, who so long deprived themselves of a blessing, the effects of which were so visible. They saw, no doubt, or at least might have seen, as well as those of the present age, that, (tho' separated by the Ocean from our neighbours) we in this Island all lived on the same Continent, and not only breathed the same air, spoke the same language, observed the same customs, and discovered the same turn of mind, but had a thousand opportunities of exchanging those reciprocal offices which result from daily commerce, familiar acquaintance, early correspondences, matrimonial connections, and innumerable other endearing relations and motives to mutual kindness. These are the happy effects of our Union at home, and had it produced no other, it is well worth all the pains our worthy Patriots have taken to bring it about.

What effects it has produced abroad, our enemies have sufficiently experienced. *Great Britain*, thus at unity with itself, may defy the world; but where discord prevails, especially between the two Nations which are now so happily cemented into one, what will be the consequence? Hear it from the mouth of truth itself; *a Kingdom divided against itself is brought to desolation.*

1707. We are now come to mention an unspeakable loss which the nation sustained this year, we mean by the death of that great and good man, *William* the first Duke of *Devonshire*, on the 18th of *August*; to whom my Lord *Hartington* always shewed himself a most dutiful son, which his Grace returned in the warmest expressions of paternal tenderness and affection. We have already partly seen, and shall farther find, by the sequel of this Lord's life, how exactly the son trod in the steps of his illustrious Sire.

Dr. *Kennet*, afterwards Bishop of *Peterborough*; on the 5th of *September*, at the instance of his son and successor, preached the late Duke's Funeral Sermon, at the church of *Alballow's*, *Derby*, which is much admired even to this day.

He opens his sermon after he had named the text, thus: "You have here, (says the learned Doctor to his auditors,) by the pious appointment of the heir of well-deserved titles and possessions, the good old Christian entertainment for your souls; a portion of Holy Scripture to be explained and pressed upon you, to admonish you, upon this sad occasion, to be sober and watchful, to be wise in remembring and considering your own latter end; for the day will come, when high and low, nay, all of you, must enter into the same chambers of death, and must all appear before the same seat of judgment. Wherefore, upon this spectacle of human greatness and frailty, let every one here present look down with humiliation, and pray, *Lord, make me to know my end, and the measure of my days, what it is, that I may know how frail I am.*

"To be familiar on these words, let us first learn, what knowledge of our end, and measure of our days, we ought to desire, and to pray for.

"2ndly, What use and benefit we ought to make of that right knowledge of our end and frailty.

"First,

"First, as to the knowledge of our end, and of the measure of our days, it is not meant, that we should beg God to inform us of the set period of our lives, to affix us a certain number of days, and let us depend upon dying at such a determined and foreseen hour; it is not to be thus certified how long we have to live. This might be the subject of an idle wish, but never of a sensible and rational prayer. If we so dared to ask amiss, such prayers would be vain, and must return empty from the throne of Grace. For God hath purposely concealed from us this foreknowledge of our latter end, upon good and wise accounts. We may bewail it as our imperfection, but it is a mercy of Providence, and our human happiness. For such a prescience of our future fatal hour would expose us to many mischiefs, to torment ourselves, to injure others, and to provoke God, by being less prepared to die."

The Doctor, after having fully explained these three important points, gives us some account of his life and actions, and then proceeds as follows *:

* This Sermon the Doctor afterwards published, and prefixed to it the following Dedication.

" May it please your GRACE,

" As I readily obeyed the commands, with which you was pleased to honour me, in preaching the Funeral Sermon of the late Duke your father; so I now humbly submit in the publishing of it. By the advice of your Grace's friends, I have taken the liberty of adding some memorials of your noble family; wherein I had a strict regard to truth and justice; and tho' I may need an apology for the defects of this performance, I can need none for the sincerity of it.

" God Almighty long preserve your Grace's life; not only for the happiness of your family, but for the service of your Majesty, the advancement of the public good, the honour of religion, and the glory of God.

I am, may it please your Grace, &c."

*" St. Botolph, Aldgate,
Nov. 3, 1707."*

" He

“ He leaves a most worthy Heir of his titles and fortunes, whom he took care to marry to a daughter of that renowned Patriot, whose person and memory he so much loved and valued. From this conjunction of two illustrious families we dare to promise mutual affection and unblemished honour, and a long and good posterity. It is an advantage to the Duke, that he was set out in the world before his full accessions of greatness, that he was prepared and trained to public service, by often representing a free people in the national Assembly, with singular elocution, judgment, and fidelity; and by bearing a high-office in the Court, with universal commendation. He now takes his father's place, and fills his dignity; worthy to succeed him. May he outshine him in every thing that is truly great and noble, without any mixture of alloy! May all be of a piece, bright and beautiful! *and may he for many ages be succeeded by a race of loyal subjects, true Englishmen, faithful Patriots, good Christians, and sincere Protestants, in the communion of the Church of England*.*”

After his Grace had thus paid the last act of filial piety to the memory of one so dear to him, he next waited upon her Majesty, and delivered up the ensigns of the most Noble Order of the Garter, which his father had so worthily worn, which said Order the Queen, some time after, conferred on our young

* So his Grace has been, by a succession of great personages, who have, in most respects, answered the warm and ardent prayer of the Reverend Preacher. It is also our hearty prayer, that the present Duke may, in like manner, be succeeded by a race of Nobles, for ages to come, every way equally good and deserving of the characters which their illustrious ancestors have all along so worthily merited. Indeed, we hear with pleasure, that *William*, Marquis of *Hartington*, eldest son of his present Grace, *William*, the fourth Duke of *Devonshire*, is (at this day, the 1st of *September*, 1763) a graceful and fine youth, being near thirteen years old, and one whom we may reasonably expect, by his actions hitherto, will not in the least deviate from the glorious examples set before him.

Duke, and he was installed as such, when his Electoral Highness of *Hanover* was by proxy; that Prince afterwards became our Sovereign by the name of King *George* the second.

At the time the Duke was first introduced to her Majesty, upon the death of his father, she was pleased to receive him very graciously, saying, *My Lord, I have lost a loyal subject and a good friend in your father, but I do not doubt but to find them both in you.* And instantly, to shew by actions her high esteem for the present Duke, she was graciously pleased to appoint him Lord Steward of her Household, and one of her Privy-Council, and a few days afterwards constituted him Warden and Chief Justice in *Eyre* of her Majesty's Forests North of *Trent*, and Lord Lieutenant and Custos Rotulorum of the county of *Derbyshire*. The Articles of the Union requiring a dissolution of the *English* Privy-Council, his Grace was again sworn a Privy Counsellor.

As we have before, in the Life of the first Duke of *Devonshire*, and here, mentioned the happy Union between the two kingdoms, it will now be necessary to shew the steps that were taken to carry it farther into execution, and for that end let us attend the Proceedings of the Legislature.

The first Parliament of *Great Britain* met at *Westminster*, on the 23d of *October* this year, when the Lord Keeper *Cowper* (who had been created a Peer, by the title of Lord *Cowper*,) was now declared Lord High Chancellor of *Great Britain*, which title all the Lord Chancellors have ever since borne.

The Commons chose *John Smith*, Esq; for their Speaker, and the same day the sixteen Peers for *Scotland* were introduced into the House of Lords, and on the 6th of *November* the Queen made a Speech to both Houses; wherein she said, "It was with all humble thankfulness to Almighty God, and with entire satisfaction to herself, that she met them there
in

in the first Parliament of *Great Britain*, and hoped they would not only contribute, to the utmost of that power, to make the Union prosperous, but also grant the necessary supplies." This both Houses promised they would do; in short, after proper Acts were passed, for raising the supplies, and both Houses had dispatched such other affairs as were brought before them, they were prorogued to *April*, 1708, and soon after dissolved, and a new one summoned.

1708. The new Parliament was opened on the 9th of *November*, when Sir *Richard Onslow* was chosen Speaker of the House of Commons, who was a worthy man, and deserved well of his Country. They voted a supply of seven millions for the service of the next year, and, after proper Bills were passed for raising it, and the other business was gone through, the Parliament was prorogued.

Lord *Somers* was now made President of the Council, which was extremely pleasing to the people to see him at the head of that Board, as he was a Nobleman of great abilities; especially as it was expected, that Propositions for a general Peace would soon be made, and consequently the management of that important affair, whereon not only the safety of the Nation, but that of all *Europe* depended, would, in a great measure, be conducted by him, with the assistance of his Grace of *Devonshire*, and other worthy Patriots, upon neither of whom ill practices nor false colours were like to make any impressions, to the prejudice of their Queen and Country.

We have already, in the Life of the last Duke of *Devonshire*, taken notice of the steps that *Harley* and his Party were taking, to hurt the *Marlborough* and *Godolphin* interests; and therefore it of course leads us here to remark, that, about this time a kind of Revolution happened at Court. Mr. *Harley*, Secretary of State, having, by means of Mrs. *Hill*, (a woman of the Queen's Bed-chamber, whom we have before

before mentioned, afterwards married to Lord *Mansel*,) entered into a private correspondence with the Queen, with a view, as we have said, to supplant the Duke of *Marlborough* and Lord Treasurer *Godolphin* in her favour. Upon discovery of this, these two Noblemen wrote to the Queen, wherein they assured her Majesty, they could no longer serve her, if she continued to employ a Minister who betrayed her. As the Queen would not yield, they retired from Court: But she, knowing of what absolute necessity they were to her affairs, at last complied, and Mr. *Harley* resigned *, tho' it soon appeared he continued secretly in her Majesty's favour.

But just before this discovery, another was made, of a far different nature from the former; that was, of a secret correspondence being carried on here with *France*, by the means of one *Gregg*, belonging to the Secretary of State's Office, who was taken up, and sent to *Newgate*, and soon after tried and condemned for High Treason; after which, a Committee of the House of Lords went to examine him there; whereof his Grace of *Devonshire* was one. His different examinations lasted for some weeks. When they were ended, a full report of what passed was made to the House of Lords, who laid them before the Queen, and, in their Address, they represented to her Majesty, the necessity of making *Gregg* a public example of. Upon this he was executed, and at his death declared that no person here was any way concerned with him in the crimes he had committed.

Whilst this matter was enquiring after, the Nation sustained a very great loss by the death of Prince *George of Denmark*. *Burnet* says, "*That the Queen was not only decently but deeply affected with it* +.

* *Mansel*, *Harcourt*, and *St. John* also gave up their Posts.

+ The following, among other eminent persons, died this year: Sir *Edward Seymour*, Bart. a busy Member of Parliament, and one of the leaders of the Tory Party; Dr. *Beveridge*, Bishop of *St. Asaph*; and Dr. *Gregory*, an excellent Mathematician.

1709. This year the old story of the *Church* being in danger was revived, which occasioned great disputes between the two parties; one insisting it was so, and the other asserted quite the contrary. The pulpit was now made use of in support of the former assertion.

The first high-blown Divine, who took upon himself to prove the Church in danger from false brethren, was the famous Doctor *Sacheverel*, in two Sermons; the one preached at the Assizes at *Derby*, and the other at *St. Paul's*, before the Lord Mayor and Court of Aldermen of the City of *London*: In both which, *Burnet* assures us, "he gave full vent to his fury, in the most virulent declamations that he could contrive, upon these words of *St. Paul*, *Perils from false brethren*; in which, after some short reflections, he let himself loose into such indecencies, that both the man and the sermon were universally condemned." We suppose the Bishop means by those of the *Whig* Party.

Those Sermons were taken into consideration, in the House of Commons, and were there adjudged to have been calculated to answer very pernicious purposes; the moderate part of the House thought the shortest and best way would be that of ordering the Sermons to be burnt, and keeping *Sacheverel* in prison during the Session; but another party looked upon them in so flagrant a light, that they were of opinion, that *Sacheverel* ought to be impeached in Parliament; which latter proposal was unhappily chosen, and he was brought to a trial before the House of Lords, upon an Impeachment by the Commons of high crimes and misdemeanors, whereof he was found guilty; and among those who voted him such, was his Grace of *Devonshire*.

As to the sentence passed on him, it was no more than this, *i. e.* his two Sermons were directed to be burnt, and he forbid to preach for three years. In short,

short, the sentence was so gentle, that it was equivalent to an acquittal, and only served to raise the spirit and pride of his Party. The mob, who considered him as a martyr for the Church, during the course of the trial were very insolent. And when the sentence was known, many have since thought it had no other effect than to increase the dissensions among us: In fact, the eloquence of the Managers against him, as well as the learning of the Council for him, could never have been employed in a more worthless and insignificant cause, and in that light we believe most consider it at this day*.

Before we particularly speak of home affairs, during the four last years of the Queen, we shall, in the under note, give a short detail of what passed

* The Doctor afterwards presented to one of his Council (who was then Keeper of the Great Seal,) a piece of plate, with a *Latin* inscription on it, a translation of which follows:

To the Right Honourable,

The Oracle of the Laws,

The Bulwark and Ornament of Church and State,

SIMON HARCOURT, Knight,

Keeper of the Great Seal of Great Britain,

And one of her most Serene Majesty's Privy Council;

For generously and undauntedly defending my Cause

Before the supreme Senate of the Kingdom,

In *Westminster-Hall*,

With a nervous Eloquence, and a most exact Knowledge,

And for happily vindicating

The Primitive Doctrine of the Church,

The inviolable Authority of the Laws,

The Holy Faith of the Subject,

The Sacred Rights of Mankind,

Against the villainous Attempts of a Pack of Rebels;

This small Monument of Gratitude

Is given, devoted, and consecrated,

By HENRY SACHEVERELL, D. D.

In the Year of Salvation, MDCCX.

This year died Lord *Herbert of Cherbury*; Sir *George Rooke*; *Ralph*, Duke of *Montagu*; *Lewis*, Earl of *Feverham* (title extinct); Dr. *Williams*, Bishop of *Chichester*; Lord *Lovelace*; Lord *Gower*; Duchess of *Cleveland*; Earl of *Clarendon*; Earl of *Portland*; Earl of *Carnarvon*, (title extinct); and the Earl of *Suffolk*.

abroad during the foregoing eight campaigns*, 25

* 1702. The Earl of *Marlborough* attempted to draw the *French* to a general engagement, which they declined; he then resolved to clear the *Maese* of their garrisons; for that end he invested *Venlo*, and took Fort *St. Michael* sword in hand, which was one of the boldest actions performed during the war. After this the place surrendered. *Ruremond* and *Stevenswart* met with the same fate: By this means a free communication was opened between *Maastricht* and *Holland*. Next the Earl marched to *Liege*, which opened its gates to his Army. As to the citadel, he took it sword in hand. Here the Allies found a considerable booty, and with this important conquest the campaign concluded.

1703. This year the Queen created this great General Duke of *Marlborough*. His Grace arrived at the *Hague* on the 14th of *March*, and opened the Campaign with the siege of *Bonne*, which he took in three weeks. In the mean time the *French* army, under the command of the Marshals *Villeroy* and *Bufflers*, made a motion, in order to fall on a part of the confederate Army, who lay under the cannon of *Maastricht*; but the Duke marching to their relief, the *French* retired with precipitation, within the strong lines they had made in *Flanders*. The next place the Duke took was *Huy*, after a siege of eleven days; after this, his Grace carried *Lunburgh*, and at last the Campaign ended with the reduction of *Gelders*.

1704. This year will be for ever famous in History for that memorable march of the Duke's from the *Maese* to the *Danube*, which was attended with such wonderful success, by beating the *French* and *Bavarian* Armies at the Battle of *Blenheim*, and taking Marshal *Tallard* prisoner, as will make *Marlborough's* name immortal; for which grand service he was created a Prince of the Empire, and the Parliament of *England* passed a Law for erecting that noble Palace (with a proper allowance to support it) called *Blenheim* in *Oxfordshire*, &c.

1705. The Duke, wherever he came this year, was victorious; but as to the *French* Army, it lay mostly on the defensive; being unwilling to hazard another battle, was the reason nothing particular happened during the whole Campaign.

1706. This year is memorable for the Duke beating the *French* at the battle of *Ramillies*, where the Household troops of *France* were almost totally ruined, so that in fourteen days after this engagement, all *Brabant* and *Flanders* were recovered to King *Charles III*, without a blow.

1707. This year nothing memorable happened, the *French* not daring to come to another battle.

1708. The *French* had formed this year a design of driving the Allies out of the Low Countries, in which they however
were

well as the present, so far as relates to the *French*,

were disappointed; on the contrary, the Duke of *Marlborough* besieged, and, after a long and memorable defence of three months, took, the strong and important city of *Lisle*. In short, this campaign ended entirely to the advantage and glory of the confederate arms.

1709. The *French* were now greatly distressed, thro' their having been soundly beaten during the last seven campaigns, which made the old Monarch think of making up matters with the Allies, and for that purpose he sent the Marquis de *Torcy*, his Secretary of State, to the *Hague*, with proposals for a general peace. He had several conferences with the States Deputies, the Duke of *Marlborough*, and Prince *Eugene*, and after some disputes the Preliminary Articles of Peace were at last agreed to. By which the *French* King offered to give up the *Spanish* Monarchy, and several other concessions, much more favourable than those obtained by the Peace of *Utrecht*; but when it came to the point, he refused to sign them, after he had heard our people at home were now split into party divisions, through the uneasiness which had been raised by the means of Doctor *Sacheverel*, and his secret abettors, inasmuch that resentments against each other were got to such a height, as seemed to threaten almost the overturning of the Constitution. Happy! if what passed then had been a sufficient warning to the people of *Great Britain*, so as to prevent the like inconveniences happening in times to come.

But to return; it appeared at last that this pretended Treaty was only made use of by the *French* to delay opening the campaign, which it certainly did; but as soon as this was discovered, to blows we went again; and wherever *Marlborough* came, success attended him. His first operation was the siege of the important City of *Tournay*, which he took; next, after an obstinate and bloody battle, he and his colleague *Eugene* forced the *French* intrenchments at a place (which will be for ever famous in History,) called MALPLAQUET; lastly, *Marlborough* took *Mons*, and so ended the eighth campaign.

1710. The beginning of this year the *French* made new offers of entering into Negotiations for a Peace, but it had no better success than the last; and so the war was again renewed; and, in short, our Generals forced the *French* lines at *Pont Vendin*, and entered them without opposition; afterwards they besieged and took *Doway*, as they did also *Bethune* and *St. Venant*, whilst the *French* Army, with *Villars* at their head, looked on, who were at that time so much dispirited, that they durst not hazard a battle to save either of those important places. And thus ended *Marlborough's* ninth campaign.

where

where the Duke of *Marlborough* commanded the combined armies both in *Flanders* and *Germany*.

1710. As to the last four years of the Queen's reign, it was a period, in some respects as remarkable as that of her uncle King *Charles* the II'd's, upon account of the secret attempts that were making by artful and designing men, both at home and abroad, to unhinge (if I may be permitted to use the expression) the Constitution. Indeed, there was this difference between the one and the other, the Queen's was not stained, like that of her Uncle's, with the blood of two of the best families in the kingdom; for all agree, that no sovereign Prince ever swayed a sceptre, of a more merciful and tender disposition; yet, by a sort of an unhappy fatality, after the Duke of *Devonshire* and other worthy Patriots were removed from the Council, and their places filled with another set of men, we threw away in the cabinet all we had been fighting for in the field. But the Reader will find, in the sequel, that his Grace of *Devonshire* omitted no opportunity to exert his utmost efforts to defeat their pernicious designs, who had, in short, little else in view, than that of delivering us up a prey to our old enemies the *French*. Happy for *Britain*, those sinister schemes were at last prevented.

The first event of consequence which happened, after the Doctor's tryal at home, was that of the death of Sir *John Holt*, Lord Chief Justice of the *King's-Bench**.

Immediately afterwards, thro' the strong recommendation of the Duke of *Devonshire*, Sir *Thomas*

* He was very learned in the law; and had, upon remarkable occasions, shewed an intrepid zeal in asserting its authority; in support of which he ventured the indignation, by turns, of both Houses of Parliament, when he thought the Law was with him. In short, he was a man of integrity, and behaved extremely well to the suitors, as well as the officers of the Court.

Parker was constituted, Lord Chief Justice in his stead *.

This great promotion, Bishop *Burnet* says, “seemed an evident demonstration of the Queen’s approving the prosecution; for she had said to him, that it was a bad sermon, and none of the Managers had treated the Doctor so severely as *Parker* had done; yet secret whispers were very confidently set about, that tho’ the Queen’s affairs had put her upon acting the part of one that seemed pleased with this scene, (the trial and what followed,) yet she disliked it all, and would take the first occasion to shew it.

This last was certainly the case, by what soon after appeared: For *Harley* and his party were now upon the brink of succeeding in their deep-laid scheme. The first instance she shewed of her design to change her Ministry, began with my Lord *Sunderland*, who was removed from the Secretary’s Office to make way for Lord *Dartmouth*; Lord *Godolphin* had the White Staff taken from him †,

* Sir *Thomas* was, in 1716, created a Peer, by the title and title of Lord *Parker*, Baron of *Macclesfield*.

† The order for breaking the White Staff was sent by a Livery-man, and left with his Porter. (*Duchess of Marlborough’s Memoirs*, p. 136.) Hear what the Poet says on the occasion, addressed to Lord *Godolphin*, as follows:

So pois’d your passions are, we find no frown,
If funds oppress’d not, and if commerce run;
Taxes diminish’d, liberty entire,
These are the grants your services require.
Thus far the state machine wants no repair
But moves in matchless order by your care;
Free from confusion, settled and serene,
And, like the Universe, lay springs unseen.
But now some star, sinister to our prayers,
Contrives new schemes and calls you from affairs.
No anguish in your looks nor cares appear,
But how to teach th’unpractis’d crew to steer;
Thus like some victim no constraint you need,
To expiate their offence by whom you bleed.
Ingratitude’s a weed of ev’ry clime,
It thrives too fast at first, but fades in time:

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and the Treasury was put into Commission *. In September the Earl of *Rocheſter*, in the room of Lord *Somers*; *Harry St. John*, Eſq; Secretary at War, in the room of *Henry Boyle*, Eſq; and the Lord *Berkley*, Chancellor of the Dutchy, in the place of the Earl of *Derby*; the Duke of *Sbrewsbury*, Lord Chamberlain, in the room of the Marquiſs of *Kent*. Theſe alterations in the Miniſtry, as they greatly alarmed the *Whigs* at home, ſo they gave very great jealousies to our Allies abroad, who juſtly apprehended the conſequences; for it was no difficult matter to perceive, that the Duke of *Marlborough* would not be able to ſtand his ground long after all his friends were publickly diſgraced.

Upon this occaſion, the following lines were handed about, under the title of, FAIR WARNING.

“MADAM, look out, your title is arraign’d;
Sacheverell ſaps the ground whereon you ſtand.
 ’Tis Revolution that upholds your throne,
 Let Non-reſiſtance thrive, and you’re undone.
 If paſſive doctrines boldly are reviv’d,
 Your Crown’s precarious, and your Reign ſhort-liv’d.
Such notions, with impunity profeſs’d;
Will make the pow’r of Parliaments a jeſt.
Their Acts of Settlement are ropes of ſand,
And Hanover may rule his native land.
 When Pulpits ſound no limitations good;
 No right, but in proximity of blood;
 Who ſees not the Pretender’s underſtood?
 Impatient for their darling Chevalier;
 You’re in their mercy, for another year:

The God of day and your own lot’s the ſame,
 The vapours you have rais’d obſcure your fame.
 But tho’ you ſuffer and a while retreat,
 Your globe of light looks larger as you ſet.”

We cannot but here obſerve, that there never appeared; in ſo ſhort a ſpace of time, ſo many good poets and excellent proſe writers, as in the laſt four years of the Queen’s reign, as well on the one as the other ſide of the queſtion.

* The Commiſſioners were, the Earl of *Paulet*, Sir *Thomas Manſel*, *Robert Harley*, *Henry Paget*, and *Robert Benſon*, Eſqrs.

Tho’

Tho' Loyalty and Church are their pretence,
Inherent Birth-right is their secret sense,
And Restoration is the consequence."

Now as most of the Duke of *Devonshire's* friends, with whom he was particularly connected, were displaced, and as the Queen was taking far different steps from what she had hitherto pursued, it made him resign his Post of Lord Steward of the Household. This resignation the Queen very unwillingly accepted of; but as his Grace persisted in it, she made the Duke of *Buckingham* Lord Steward in his stead.

The next step the Queen took, by the advice of her new Council, was that of dissolving the Parliament, and calling a new one.

No sooner was the Parliament dissolved, but the Lord Chancellor *Cowper*, another of his Grace's particular friends, waited on the Queen, and resigned *.

* After this a Poet addressed a Poem to his Lordship, in which, among others, are the following lines.

" Since *Britain's* Seals to other hands are gone,
Britain has had the loss, but you have none;
O! great in all mens eyes, except your own;
They must, O *Cowper*, in commission be,
For no one man will dare to follow thee,
Whose universal genius does exceed,
Most that have gone before, and all that can succeed!

Great honour on those Seals hast thou conferr'd;
Seals more to thee, than thou to them preferr'd.
Thy *chemic* hand divided right from wrong,
While judgment flow'd from thy harmonious tongue;
And stubborn Law, made pliant by thy skill,
Did lose the *legal Art* of doing ill;
Deaf pow'rs, whose *spirit* may save, but *letter* kill.

But adverse fortune and disastrous fate
Have broke our peace, disturb'd our happy state,
And made our Island now less fortunate.
By crafty leaders thoughtless crowds caref's'd
For a new Senate, and new Statesmen press'd;
Rabble themselves for Changes have address'd.

By such as these borne down, the brave give way,
As we the winds, and waves, and storms obey.
When torrents and impetuous tides are sent,
Wise men stand by, till their mad fury's spent,

* E

And

when the Seals were committed to the custody of three Commissioners*.

“So sudden, nay, so entire a change in the Ministry (says *Burnet*,) is scarce to be found in our History, especially when men of great abilities had served both with zeal and success, insomuch that the administration of all affairs, both at home and abroad, in their hands, were not only without exception, but had raised the admiration of all *Europe*.”

On the 18th of *October*, Sir *Simon Harcourt* was made Lord Keeper of the Great Seal, and on the 3d of *September* created Baron of *Stanton Harcourt*,

And popular rage no more can be withstood,
Than the wild fallies of a rapid flood,”

A second *Somers*, indeed!

In fact, his Lordship's integrity, moderation, candour, humanity, and disinterestedness gained him the esteem of all good men, and the particular regard and favour of his Royal Mistress, who acknowledged, that she found in his, and his Grace of *Devonshire*'s advice, very great comfort since the loss of her dear consort. Indeed, the Queen had so high an opinion of Lord *Cowper*'s virtue and merit, that when, by a train of Court intrigues, and an insuperable aversion to the Earl of *Sunderland*, she had fixed a resolution to change her Ministry, and call a new Parliament, she used all endeavours to bring him into her measures; but his Lordship, like the Duke of *Devonshire*, rightly foreseeing, that the new scheme not only tended to the making a peace, derogatory from our engagements in the grand Alliance, but also to the weakening of the Protestant Succession, which he had firmly at heart; this made him resist all temptations, by voluntarily resigning the Seals, and, in the most difficult and dangerous time, acted with the utmost vigour and resolution, in concert with the Duke of *Devonshire*, and other steady friends, to support the *Hanover* Interest against all its enemies; and therefore, as that illustrious House knew their attachment, they were nominated by them two of the Lords of the Regency, to take care of the Government, upon the death of the Queen, till the Elector of *Hanover* came over to take possession of the Throne.

* Sir *Thomas Trevor*, *Robert Tracey*, and *John Scroop*, Esqs; and at the same time some Promotions were made in *Westminster-Hall*, viz. Sir *Edward Northey*, Attorney, and *Robert Raymond*, Solicitor General.

and

and on the 17th of *April*, 1712, he was declared Lord High Chancellor of *Great Britain* *.

* The character given of him by the late Queen, in the introduction to the Patent for creating him a Peer, follows :

“There is nothing in which we more willingly exercise that Royal Authority, which God has intrusted us with, than by rewarding true merit and virtue, and advancing to all suitable dignity, men who have merited well of us, and whose ancestors have been remarkably famous in their generation : among those, none is more conspicuous than our well-beloved and very faithful Counsellor, Sir *Simon Harcourt*, Knt. Keeper of our Great Seal ; a Gentleman recommended to us by a long descent of progenitors of very ample fortunes, and renowned for their warlike actions ever since the *Norman* times ; one of whom, for his bravery signalized under the standard of *Edward* the IVth, was made Knight of the Garter : another, fighting courageously against the *Irish* rebels, in the cause of his Royal master, King *Charles* the Ist, the best of Princes, was the first *Englisman* that fell a sacrifice to their fury. Nor is there one of all that race, descended from such noble ancestors, who has not been eminent for his love to his country, and loyalty to his Prince. He suffered, indeed, in his paternal inheritance, which was diminished by the fury of the civil wars, but not in his glory, which, being acquired by military valour, he, as a Lawyer, has advanced by the force of his wit and eloquence : for we have understood, that his faculty in speaking is so full of variety, that many doubt whether he is fitter to manage causes in the lower Court, or to speak before a full Parliament ; but it is unanimously confessed by all, *That among the Lawyers he is the most eloquent Orator, and among the Orators the most able Lawyer.* To this praise of his Eloquence he has added those domestic virtues, Magnanimity and Fidelity ; supported by which, he has resolutely persevered in maintaining the cause he had undertaken, and in despising danger ; and has kept the engagement of friendship, *whether in prosperity or adversity, sacred and inviolable.* Whom therefore, furnished with such great endowments of mind, all clients have wished to defend their causes, not without reason, we preferred to be one of our Counsel at Law, whom we a second time called to be our Attorney-General, which he once before sustained with honour, as far as was thought convenient ; whom, lastly, since we perceiving all those things were inferior to the largeness of his capacity, we have advanced him to the highest pitch of forensical Dignity, and made him supreme Judge in our Court of Equity, where he still continues to deserve higher of us, (the Queen) and of all good men, and is so much a

* The Queen having changed her Ministry, the *Jacobites* in *North Britain* resumed new courage; of this a memorable instance happened about that time at *Edinburgh*, which cannot be passed over in silence; The Dutcheſs of *Gordon*, a Lady whose attachment to that interest was well known, having presented to the Faculty of Advocates at *Edinburgh* (in whose library there is a noble collection of medals and coins) a silver medal of the Pretender, on the one side was his bust with these words, *CUJUS EST*; and on the re-

brighter ornament to his province, as it is more honourable than the rest he has gone through, *he daily dispatches the multitude of suits in Chancery.* [This I know to be a true assertion, for there never was a Chancellor before him, nor, I believe since, that ever dispatched such a number of suits in so short a time, nor do I remember to have heard any of his Decrees complained of.] He removes the obstacles which delay judgment in that Court, and takes special care that the successful issue of an honest cause shall cost every Plaintiff as little as may be; which things, as they are very grateful to us, honourable to himself, and beneficial to the common-wealth, we think them deserving of higher rewards. Therefore, &c."

His Lordship was descended from an antient family in *Oxfordshire*; he had the first part of his education in the University of *Oxford*, and from thence he removed to the *Inner Temple*; but afterwards, some differences arising between his fire and himself, he retired to the house of Mr. *Grove*, (the Author's father, who was a particular friend of his,) at *Chipping-Norton*, a market-town in that county, where he resided till his death. Then he appeared in his proper station; and soon became so great a proficient in the Law, that at length he was made Lord Chancellor. What we think worthy of remembrance is, he always shewed, to the last, great respect for his old friend, and his family, who had served him in time of need. He was first created a Baron, next a Viscount, and, at his death, which happened the 24th of *July*, 1727, was succeeded in his honours and estate by the present Earl *Harcourt*, his grandson, whose son, Lord Viscount *Newnham*, is Member in this present Parliament for *St. Albans*. See *Life of Wolsey*, Vol. II. pag. 183.

* This year died Sir *Thomas Littleton*, Bart. as did also the following Noblemen and Gentlemen; Lord *Griffin*, in the *Tower*, (title extinct;) Lord *Leigh*; Lord *Haverſham*, a violent speech maker; Mr. *Betterton*, an excellent Actor; and Sir *John Cooke*, an eminent Civilian.

verse the *British* Islands, with this legend, REDDITE : On the 30th of *June*, the Dean moved, that the Thanks of the Society should be returned her for the present. This occasioned some warm debates; but the question being put, it was carried for returning Thanks, by a great majority. The Deputies, who were charged with the message, made their compliments in very unwarrantable terms. So daring an affront to the Government being represented by Sir *David Dalrymple* to the Duke of *Queensberry*, orders were sent down to her Majesty's Advocate to enquire into that affair. So that the Faculty, sensible of their error, published a sort of a recantation as to what they had done, and then the matter was dropt; but as Sir *David* was immediately afterwards removed from his post of Lord Advocate, it was very easy to conjecture from thence, that what the society had first done, was not at all displeasing to some of those who then ruled the helm in *South Britain*.

The Parliament assembled on the 25th of *December* this year, which was called the third Parliament of *Great Britain*, when the Queen made a speech from the Throne to both Houses: But it was remarkable, she took no notice of the successes that had attended the Duke of *Marlborough's* ninth campaign, as she had always done in her former speeches. This omission was generally supposed to have been owing to Mr. *Harley*, who was now at the head of the Ministry; and it was also remarked, that she did not now *promise to maintain the Toleration*, which was the language in her other Speeches, but in this her Majesty only declared, *she would maintain the indulgence granted by Law to scrupulous consciences*.

The Lords, in their Address, instead of assuring her Majesty they would do all in their power towards a vigorous prosecution of the war, in order to obtain an honourable peace, only promised to *concur in all reasonable measures to that end*; which seemed to import,

import, by the limitations, that they apprehended something unreasonable might be asked of them.

But the Commons were more explicit in their Address; for in the conclusion they threw out some reflections on those who were attached to the late Ministry.

From this way of behaviour in both Houses, many apprehended that the Duke of *Marlborough* would be either laid aside, or made so uneasy in his post, as to be obliged to resign his command, as soon as he returned to *Great Britain*.

On the 28th of *November*, Lord *Scarborough* made a Motion in the House of Lords, "That the Thanks of that House should be returned to the Duke, for his good services in *Flanders* during the last campaign;" in which he would have been supported by his Grace of *Devonshire*, and other friends to their country, had not an objection been raised against it by a certain *North British* Peer, and some of the new Ministry, who said, *It would be time enough to speak of that matter when the Duke was come home*. This short reply made *Marlborough's* friends apprehensive, that if the question was put, it would be carried in the negative, and that made them drop the motion. The Commons, in the mean time, readily granted the supplies that had been asked for the service of the ensuing year, 1711, and gave such dispatch to the Land-tax Bill, that it received the Royal Assent before the end of *December*, which seemed to every one to portend, that they were resolved to continue the war with vigour.

The Earl of *Peterborough* was, in *November*, nominated our Minister to the Court of *Vienna*, to concert measures with them for the vigorous prosecution of the war, particularly with *Spain*, which, at the juncture, seemed to be the new Ministry's favourite project, tho' not generally approved of; and as every one knew, that was acquainted with my Lord *Peterborough's* character, that if we heard of him abroad

One day, we often saw him at home in so short a time after, that it surprized most people, who did not know his method of travelling; so, in execution of this commission, he used such dispatch, that he was even returned before we could have imagined he was set out; in fact, the main design of Lord *Peterborough's* journey was with a view to mortify the Duke of *Marlborough*.

On the 12th of *December*, Mr. *Hill*, the Queen's favourite's brother, was named both Minister to *Holland*, and the Council that governed the *Spanish* Low-Countries, in the room of General *Cadogan*, who was recalled. The military men were not so surprized at this change, as when they heard the Commissions of General *Maccartney* and Brigadier *Honeywood* were superseded, for drinking (as it was said) confusion to the new Ministry; but those Gentlemen averred, that they only drank a health to the Duke of *Marlborough*, and confusion to all his enemies.

In the mean time, the Duke of *Marlborough*, having embarked in *Holland*, arrived in *London* on the 28th of *December*, and immediately waited on the Queen, who received him graciously, and discoursed with him about half an hour.

The next day the Duke received the visits of the Earl of *Rocheſter*, President of the Council; Earl *Paulet*, first Commissioner of the Treasury; the Secretaries of State, and the other persons in the Ministry; but, however, it was a question with many without doors, whether he had seen Mr. *Harley*, who had now the greatest share in the Queen's confidence, and in the management of affairs. Those who were acquainted with the secrets of the Court, averred, that the Queen had resolved to remove all coldness that might subsist between them, and the event in some respects justified the truth of what they averred.

Some say, the Queen then told the Duke, that he was not to expect the Thanks of the two Houses

Houses as formerly; and that she expected she would live well with her Ministers, but did not speak any thing of the reasons that induced her to change her Ministry; however, the Duke shewed no resentment for all the ill usage he had met with, and as he had been much pressed by the States, and the other Allies, not to resign the command of the army, he resolved to retain his posts, and to acquiesce in the measures of the new Ministry, and was, by the Queen's means, outwardly reconciled to *Harley*, her present favourite; and thus affairs at home stood at the end of the year 1710.

1711. On the 1st of *January*, news came of our ill success in *Spain*, and by this means it furnished a pretence to examine into that part of the conduct of the late Ministry; the Queen was advised to lay hold of it; and therefore, without staying till she had heard from her own Ministers, she thought proper to lay this affair before the Parliament.

On the 2d, the Queen sent a message to both Houses, to acquaint them with the advices she had received from abroad *.

On the 4th of *January*, the Lords resolved to enquire into the management of the affairs in *Spain*, which drew on a debate that held three days, and the most able Speakers, both of the Court and Country side, spoke on the occasion; and, as it was very memorable, the Queen went to the House of Lords *incognito* to hear them.

* The Duke of *Vendome*, towards the latter end of the campaign, 1710, arrived with succours from *France*. King *Philip* obliged the Confederates to quit *Castile*; in the retreat, General *Stanhope*, who formed the rear-guard of the *English*, which consisted of 8000 men, was surprized, and forced to surrender at discretion. *Staremborg*, who neglected to assist him, was, the next day, (*December 10*) defeated. In short, the first part of this campaign the Allies recovered *Spain*, and at the latter end lost it; so that it might be truly said, that by the fortune of war, *Spain* was gained and lost in one summer.

The Earl of *Galway*, one of the Generals engaged in that fatal affair, gave in a long account of the whole transaction, which was read; and then his Lordship was asked, "Whether he had any thing to add to it?" This question was opposed by Lord *Godolphin*, who said, "That the Earl of *Peterborough's* Narrative ought to be first read in his and Lord *Tyrawley's* presence." The House ordered it should; whereupon the Clerk read to them the five questions that were put, the *Friday* before, to the Earl of *Peterborough*, with his Lordship's Answer, separately.

After this, the Earl of *Abingdon*, Chairman of the Committee, again asked Lord *Galway*, Whether he had any thing to add to his paper? To which he answered, "That his memory suggested nothing more at that time; but that, if the House would be pleased to allow him a copy of the Earl of *Peterborough's* paper, he might make some remarks upon it;" which was granted.

The Chairman next asked Lord *Tyrawley*, "Whether he was willing to communicate what he knew concerning the council of war held in *Valencia*, the 15th of *January*, 1707, New Style?" To which he answered, "That the reason he was shy of speaking the *Friday* before was, because he thought himself accused; and, as his doubt still continued, he desired to know, whether he was accused, or not?"

Lord *Peterborough* said, "he accused nobody;" and upon this the Chairman told Lord *Tyrawley*, he was not accused. However, a debate arose thereon; and at last Lord *Peterborough* said, "No man can be accused for giving his opinion in a council of war." The Lords *Galway* and *Tyrawley* being called in again, to the latter a question was put, who answered, "That it was resolved in the council to march to *Madrid*, but that the further operations of the campaign were reserved to the determination of subsequent councils:" This was after they had beaten the

* F enemy.

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enemy. The Earl of *Peterborough* next desired to know, By whom those subsequent resolutions were taken? My Lord answered, "By the majority of those who sat in the councils of war, which were held twice a week; and that, as far as he could remember, the King of *Spain* did not declare his opinion." They both withdrew.

My Lord *Cowper* afterwards said, "All he could collect from Lord *Tyrawley*'s examination was, that the same persons, who were for an offensive war held in *Valencia*, were very unanimous in the subsequent councils, and concurred in the operations agreed on." Whereupon several papers were read, that further explained the different matters then in debate.

On the 11th of *January* other papers were read, and both Lords *Tyrawley* and *Galway* petitioned for time to make their defence. Whereupon, the Earl of *Orford* moved for adjourning, and appointing a day to consider of those petitions; but other noble Lords were of opinion, that they ought not to take any notice of them, and proceed instantly according to the order of the day. To this his Grace of *Devonshire* answered, *That as a censure might ensue, both Lords Galway and Tyrawley had reason to petition for time to make their defence.*

His Grace's friend, Lord *Cowper*, also said, "That it was reasonable to give time for the two Lords to put in their answer, because a motion had been made that tended to censure them."

The question was now put, Whether the petitions should be rejected? The Courtiers carried the point, by a majority of fifty-seven voices against forty-six. And the next matter they went upon was this: Lord *Paulet* had before made a long speech, wherein he declared, "That the council held at *Valencia* being the spring of our misfortunes, the Lords ought to censure those that influenced it;" concluding, "that the motion which was made, as to passing such censure,

ture, the *Tuesday* before," might be read; which was done; and at last, betwixt eight and nine in the evening, the question being put, it was carried in the affirmative by a majority of sixty-four voices against forty-three; but no Censure was then passed, for the Lords instantly adjourned to the next day.

On the 12th, the list of the General and Officers on the Establishment in *Spain*, which lay upon the table, was, by some Lord, found fault with, because the Lieutenants and Ensigns were not mentioned in it. Another list was ordered instantly to be laid before the House. Then several papers were read by the Clerk; and when he had done, the Earl of *Scarsdale* proposed the following question:

"That it appears, by the Earl of *Sunderland's* letter to Mr. *Stanbope*, that the design of an offensive war in *Spain* was approved of, and directed, by the Cabinet Council, notwithstanding General *Stanbope's* opinion to the contrary, in case there should be an attempt upon *France*, which he knew was then concerted with the Duke of *Savoy*; all which contributed not only to our misfortunes in *Spain*, but to the disappointment before *Toulon*."

Next followed a small debate, and then an Address was resolved on, and prepared, wherein they prayed her Majesty would be pleased to give leave to any Lord, or other of her Cabinet Council, to communicate any letter or paper relative to the affairs of *Spain*, that might be of service in that enquiry; which request her Majesty readily granted.

The second question the Lord *Scarsdale* proposed, was, "That it appears by the Earl of *Sunderland's* letter, that the carrying on the war offensively with *Spain* was approved of, and directed by the Ministers, notwithstanding the design upon *Toulon*, which the Ministers at that time had concerted with the Duke of *Savoy*, and therefore are justly to be blamed, by contributing to all our misfortunes, and particularly

to the disappointment of the expedition against that important place."

This question being read, the Duke of *Devonshire* excepted against the alteration that had been made in it, particularly in changing the words of *Cabinet Council*, which was in the question first proposed by the Earl of *Scarsdale*, into that of *the Ministers*.

My Lord Duke's objection was answered by some Lords; to which Lord *Cowper* replied, and justified his Grace's exception.

This drew on another long debate, and, in the conclusion a Lord said, on the Court side, *That Lord Galway, as it appeared, had a good reason to fight, because he could not help it.*

To this the Duke of *Devonshire* smartly answered, "That since the Allies could not subsist without fighting, it was unreasonable to censure the Generals, who gave their opinions for a battle."

In the conclusion, a majority of the Lords passed a Vote, "To thank Lord *Peterborough* for his good services in *Spain*;" and another, "To censure Lord *Galway*'s giving the right hand to the *Portuguese* in *Spain*, which was declared dishonourable to the *British Nation*."

In consequence of what had been thus long debated in the House, the Lords drew up a long Representation, couched in strong terms, touching the misfortunes we had met; and here that affair ended: So that after the other public and private businesses, which were laid before the Parliament, were gone through, the Queen came to the House of Peers, and put an end to the Session, with a Speech to both Houses.

But to alleviate, in some measure, the disgrace fixed on the Earl of *Galway* by the House of Lords, a Poem was published, and addressed to him; in which were the following lines:

"Repine

“ Repine not, Sir, at Fortune’s partial Laws,
Who often frowns upon the juster cause;
The laurel-wreath, with like deserv’d renown,
May both the victor, and the vanquish’d crown;
Nor mourn the swift vicissitudes of Fate;
That name should teach you, what attends the great.
Successful acts depend not on the will,
And virtue, tho’ ’tis cross’d, is virtue still.

Think on *Rome’s* eagles, by *Marcellus* led,
Think on the *Fabii*, and *Emilius* dead,
Who, to their country, sacrificing all,
Rose by defeat, and triumph’d in their fall.
Will not great William’s fame out-lost the Sun?
And has not *Luxemburg* a battle won?
Churchill, ’tis own’d, ne’er yielded to a foe,
But *Pompey* was o’ercome, and *Cæsar* too.
Apply, great Sir, these just examples home;
Britain can ne’er be more ingrate than *Rome*.

Fate’s dark decrees did that black day ordain,
That wrong should triumph, and oppression reign;
Yet *Galway* long ’gainst numbers kept the field,
Numbers by *Mars* led on, by *Jove* upheld;
With fury, so heroically great,
Repell’d the torrent, and disputed Fate;
So well, the chief, and soldier did maintain,
That victory was partial, long in vain;
The Gods suspected much their own decree,
And Fate grew doubtful of her destiny.

Thy honest wounds will testify thy fame,
And show, tho’ Fortune waves, thou’rt still the same.
Wounds deck the hero, with distinguish’d grace,
And write the best encomium, in his face;
From those red monuments of fame we’re taught,
To think of nothing, but how *Galway* fought.
We view no more *Almanza* with regret,
But in his deeds, our country’s loss forget.”

Whilst the Parliament had been thus proceeding in Lord *Galway’s*, and other public affairs of consequence, an accident happened, which must not pass unnoticed; that was, one *Guiscard*, a French Abbot, was apprehended, for secretly corresponding with *France*, and brought to be examined before the Privy-Council. The villain took up, unseen, a pen-knife

pen-knife which lay in the office, with which he dangerously wounded Mr. *Harley*; but after having received several wounds, he was disarmed, and sent to *Newgate*. However, Mr. *Harley* happily recovered, and was soon after created Earl of *Oxford*, &c. and took his place in the House of Lords as such.

In some lines addressed to the Duke of *Ormond*, are the following, said to be wrote by Dr. *Swift*:

“ Think too, O think, and in that thought be blest’d,
How by the present miracles confess’d,
Your common Angel guarded *Harley*’s breast.
The same who barr’d the stroke of *Abram*’s knife,
Or was he one who watch’d the tree of life?
That every faithful heart, where fix’d like fate,
Auspicious *Anne* thy sacred image fate,
The glancing wound refus’d to violate.
As flames arising at the virgin’s fane,
In rev’rence parted there, and clos’d again;
The breaking weapon baulk’d the ruffian’s will,
Like dying *Gregg*’s in vain design’d to kill;
But grac’d the robes to noble *Oxford* due,
And from his veins th’ unborrowed purple drew.”

Hear *Prior*:

“ Faithful assertor of thy Country’s cause,
Britain with tears shall bathe thy glorious wound:
She for thy safety shall enlarge her Laws;
And in her Statutes shall thy worth be found.”

But before he was created Earl of *Oxford*, the House of Commons so far resented this barbarous attempt, that on the 11th of *April* it was resolved, that, when Mr. *Harley* came into the House, the Speaker should congratulate him on his recovery.

On the 26th Mr. *Harley* appeared there in his place, when the Speaker, among other compliments, said to him:

“ Your escape, Sir, and recovery, have filled this House with inexpressible satisfaction, and they have unanimously commanded me to congratulate you on it.

k. I do therefore, in the name of this House, congratulate you accordingly *."

When he was introduced into the House of Lords, his old friend Lord *Harcourt* made a Speech to him, wherein he highly extolled the Queen's wisdom in creating him a Peer, and his own great abilities; concluding with saying, "That even your enemies, my Lord (if any such there still are,) own, that the love of Letters, and the encouragement of those who excel in them, is one distinguishing part of your character."

Let us now return to the Duke of *Marlborough*. As he still held the military command, and the new Ministry had given assurances of supporting him as effectually as the former had done, (how well they performed their promise appeared in the sequel,) he repaired to *Holland*, and met Prince *Eugene* at the *Hague*, where they settled the plan of operations for the campaign. The army assembled near *Doway*, but the death of the Emperor *Joseph* obliged Prince *Eugene* to march off to the *Rhine*, with the Imperial troops; upon this, M. *Villars*, the *French* General, sent a detachment to watch his motions. In the mean time, the Duke entered the plains of *Lens*, and posted himself within two leagues of the *French* lines, hoping to draw the Marshal to an engagement; but he had to deal with too wary a General; however, by a slight motion, he amused *Villars* so much, that before that experienced officer could penetrate his design, the Duke entered the *French* lines at *Arleux*, (now it was the beginning of *August*) without opposition, or the loss of a man.

These lines extended from *Dunkirk* to *Arras*, and were extremely strong. M. *Villars*, imagining the

* The Parliament, on this occasion, passed an Act, to make attempt on the life of a Privy Counsellor, in the execution of his office, Felony without the benefit of the Clergy. See 11. 9 Q. A. cap. xvi.

Duke's design was on *St. Omer's*, drew his forces that way, and so gave him the opportunity he wanted. This masterly stroke crowned his military reputation with the highest glory. *Marlborough* having gained his point, he immediately invested *Bouchain*, in sight of the *French* army, posted in the neighbourhood. This appeared to be a very hazardous enterprize, yet the Duke succeeded, and obliged the garrison to surrender prisoners of war. So ended his tenth and last Campaign, to the immortal honour of one of the greatest Generals that ever *Britain* had the happiness to boast.

During these transactions, our Ministry were carrying on a secret Negotiation with *France*, principally conducted by Mr. *St. John*, one of the Secretaries of State, aided by Mr. *Prior*, (who had been Secretary to the Earl of *Jersey*,) and was personally acquainted with the Marquis *de Torcy*, the *French* King's Secretary. *Prior* was first sent over to *Paris*, to discourse with the *French* Secretary; in the mean time one *Mesnager* came from thence to *London*, accompanied by the Abbot *de Boisse*, who brought with them preliminary articles, wherein the *French* King acknowledged her Majesty's title, and offered to engage, that the Crowns of *France* and *Spain* should never be united under one head, and that a proper barrier should be secured to the *Dutch* and the Emperor; and withal consented to the demolition of the fortifications of *Dunkirk*. These Preliminaries were so well relished, that the Queen ordered a copy of them to be communicated to Count *Gallas*, the Imperial Minister; which were so disagreeable to him, that he treated it with such contempt as to cause them to be published in the News Papers, with the addition of some severe reflections on the whole. For this he was forbid the Court, and ordered instantly to depart the kingdom. However the States General, at the Queen's desire, consented

to a Congress, which was fixed to be held, on the first of *January*, 1712, at *Utrecht*.

On the 7th of *December* her Majesty opened the Parliament with a Speech, in which she told them, "*That notwithstanding the arts of such who delighted in war* * , both the time and place were fixed for treating of a Peace, and that her Allies had reposed an entire confidence in her, as to this great affair†. But as the best way to procure a Peace, was to make an early provision for the next campaign, she hoped they would grant the necessary supplies." The Commons immediately granted all that was required for that purpose.

The next thing the Commons attended to was, that of attacking the Duke of *Marlborough*, by charging him with receiving certain sums of money, as General of the Forces, which, as they said, he had no right to. After this, they prayed the Queen, that the Duke might be prosecuted by her Attorney-General, in order to oblige him to refund those monies.

The Queen, whilst this affair was under consideration, took an occasion, by a letter under her own hand, to dismiss the Duke of *Marlborough* from the command of the Army, and ordered her Attorney-General to prosecute him, by an Information in the Court of *Exchequer*: But after a strict enquiry, it appeared to be a groundless Charge; so that when the Duke had put in an Answer to it, no farther notice was taken of the matter.

Tho' the House of Commons were thus seconding the views of the Ministry, a different temper discovered itself in the House of Lords, who addressed the Queen not to make any Peace, in which *Spain*

* This was levelled at the Duke of *Marlborough*.

† This was a mistake, for the Emperor was against a Treaty,

and the *West-Indies* should be left in possession of the House of *Bourbon*.

On the 11th of *December* the Queen answered their Address; whereby she thanked them for it, and withal added, "*That she was sorry any one should think, she would not do her utmost to recover Spain and the West-Indies from the House of Bourbon;*" and with this transaction ended the year 1711*.

1712. *January* 2. This last Address was so displeasing to the Ministry, that the next news we heard of was, that no less than twelve new Lords were created at once, which gave great umbrage, and on this day were introduced; and from that time it visibly appeared the Ministry had got a majority on their side†.

During this session, his Grace of *Devonshire* moved for leave to bring in a Bill, to settle the Precedence of the Duke of *Cambridge*; which was ordered to be brought in.

Whilst this Bill was drawing, the new Earl of *Oxford*, now Lord Treasurer, having by this time entirely accomplished the scheme he had laid with his two friends, *Harcourt* and *St. John*, (which we before just touched upon,) in order to shew how zealous he was for the House of *Hanover*, took care to bring in a Bill himself, in which Precedence was given to the whole Electoral Family, as Children and Nephews of the Crown; and at the same time it was intimated, that Bills relating to Honours and Precedence ought to come from the Crown only. As to

* The following Noblemen and Gentlemen died this year: *Hyde*, Earl of *Rocheſter*; the Duke of *Queensberry*; *Holles*, Duke of *Newcastle*; Earl of *Jersey*; Lord *Lemſter*; *Dodwell*, a celebrated Divine; Dr. *Grabe*, a man of great learning; and Sir *Robert Atkins*, one of the Judges of the *King's-Bench*.

† This was tried by a motion for an adjournment, and gave room for a pleasant sarcasm of the Lord *Wharton*, who, on this occasion, asked one of the twelve, "If they voted by their Foreman," comparing them to a *Petty-Jury*.

his Grace of *Devonshire*, he did not dispute this point; all he contended for was such a Bill, which, in short, passed in two days after, being read thrice in a day in each House of Parliament. *Burnet*, upon this action of the Lord Treasurer's, observes, "*That notwithstanding all this haste, it is plain the Court did not design any such Bill, till it had been proposed by my Lord Devonshire, out of whose hands they thought fit to take it.*" However, the bare proposing of it reflects the same honour on his Grace, as if he had conducted every step till it passed into a Law.

On the first of *January* the Plenipotentiaries of *France* and the Allies met in the city of *Utrecht*, as had been agreed on, and, after adjusting the ceremonial, the Conferences were opened by the Bishop of *Bristol*; after which the *French* were prevailed on to give in their proposals in writing; but these were found to be so extravagant, as to raise the indignation of the Imperial Ministers, who openly protested against them, and even some of our Court Party could not forbear saying, that they were unreasonable*.

The Duke of *Marlborough* had been; as we have said, removed from all Commands; the beginning of this year he retired abroad, and the Duke of *Ormond* was appointed Captain General in his stead.

Dr. *Garth* sent after this illustrious Hero the following poetical Epistle :

* There is, in *Burnet*, a remarkable conversation he had with the Queen on this subject. " Her Majesty said, she hoped the Bishops would not be against a Peace. He replied, That a good one was what they daily prayed for, but that the Preliminaries offered by *France* gave no hopes of that kind. He added, That any Treaty, which left *Spain* and the *West Indies* in the hands of King *Philip*, must deliver up all *Europe* to *France*; that if such a Peace was made, she was betrayed, and the nation ruined; and that, in less than three years, she would be murdered, and the fires lighted again in *Smithfield*." Vol. ii. 583.

“Go, mighty Prince, and those great Nations see,
Which thy victorious arms before made free;
View that fam'd column where thy name's engrav'd,
Shall tell their children who their Empire sav'd:
Point out that marble, where thy worth is shown
To ev'ry grateful country but thy own.
O censure undeserv'd, unequal fate,
Which strove to lessen him who made her great:
Which pamper'd with success, and rich in Fame,
Extoll'd his conquests; but condemn'd his name.
But virtue is a crime, when plac'd on high;
Though all the fault's in the beholder's eye.

Yet he, untouch'd, as in the heat of wars,
Flies from no danger, but domestick jars;
Smiles at the dart which angry envy shakes,
And only fears for her whom he forsakes:
He grieves to find the course of virtue crost;
Blushing to see our blood no better lost:
Disdains in factious parties to contend,
And proves, in absence, most *Britannia's* friend.

So the great *Scipio* of old, to shun
That glorious envy which his arms had won,
Far from his dear ungrateful *Rome* retir'd,
Prepar'd, whene'er his country's cause requir'd,
To shine in peace, or war, and be again admir'd*.

* By his Grace's removal, the Ministry were at full liberty to pursue their own schemes; but that was not all, there soon appeared a swarm of pamphlets and libels against the Duke of *Marborough*; and those concerned in the late Ministry, flut with all the bitterness and malice that such sort of writers generally invent. His Grace's enemies, in particular, eagerly laid hold on this opportunity to insult over his misfortunes. The Muses were called in to bear a part in the triumph of the Duke's disgrace. One of the authors of the *Examiner* did, on that occasion, publish a Fable of The Widow and her Cat; the last stanza follows:

“So flagrant is thy insolence,
So vile thy breach of trust is;
That longer with thee to dispense,
Were want of power, or want of sense.
Here, Towzer——do him justice.”

Notwithstanding the furious proceedings of these red-hot zealots, there were not wanting, on the other side of the question, Gentlemen eminent in the cause of Liberty, who wrote proper replies to such reflections.

On the other hand, Dr. *Swift*, one of the Court Poets, had address'd the Duke of *Ormond*, being Lord Lieutenant of *Ireland*, just before he was made Generalissimo, as follows:

“ Long did the Realm implore her Lord's return,
And longer yet his grand sire's absence mourn.

Joy to the Church, an altar let her raise,
Grateful of *Vigo* gold, while *Ormond's* praise,
Join'd with the Queen's, like incense, mounts the skies,
And party-feuds shall be the sacrifice:

No more shall faction dictate *Britain's* doom,
And starve the cause abroad, to bribe at home;
Millions no more, for unpaid fleets be spent,
And fraud, like schism, plead establishment;
The war their market, peace their foe profess'd,
The *Bank* their idol, and the Church their jest.

Ne'er shall the sput'ring tribe their voices strain,
To stab the passive ears of *Anne* again,
And loyal zeal in treas'nous cant arraign,
To damn inherent birth-right madly drive,
And only by inherent mercy live.

Resistance first against th' Almighty brought,
And down from Lucifer to *H---d---*, taught;
Adjudg'd at length to her congenial *Hell*,
By *Phipps* and *Harcourt* exorcis'd so well;
Like the foul spirit in the Gospel sped,
And tearing the possess'd, with noisy jargon fled.
But, Oh the fate! to perfect worth unkind,
To shew the way but to be dropt behind,
To view the promis'd land, and then to die,
Like *Moses*, *Rocheſter*, and *Angleſey*.

Hibernia, *Albion* mourns your lover's gone,
Mourn as they mourn'd for you, but joy to own,
That this left a great brother, that a son.

Henceforth the years on healing wings advance,
And that illustrious æra leads the dance,
When *Ireland's* fold, by various ills undone,
O'er-leap'd by hirelings, and by wolves o'er-run;
Bless'd the true shepherd ent'ring at the door,
And *Anne's* unblemish'd hands restrain'd no more;

Began

Began what *David's* were deny'd to do,
Shed hostile blood, and build the temple too*.

As the Duke of *Marlborough* had been removed, and the Duke of *Ormond* appointed Captain General of the Army, the latter arrived at *Tournay* the beginning of *May*, where he found the frontiers of *France* quite naked, and had the war been then vigorously pursued, we might, in all probability, have made our own terms at the gates of *Paris*. The Confederate Army crossed the *Schelde* on the 12th of *May*, and advanced towards Marshal *Villeroy*, who was posted near *Cambray*; but all this while the Duke of *Ormond* had his secret orders not to engage; pursuant to which, on the 4th of *June*, he declared to Prince *Eugene*, and the States Deputies, that he had the Queen's positive directions not to fight; and the next news we heard, was, that he published a suspension of arms, in order to facilitate the conclusion of a Peace, which was likewise proposed to the Confederates; these inglorious orders were sent over to the Duke, in a letter from *St. John* (now created Lord Viscount *Bolingbroke*.)

Soon after the publication of which, the Imperialists separated from our Army, on the 16th of *July*, a day no less fatal to *England* and her Allies, than happy to *France*; for immediately Marshal *Villars*, the French General, fell on seventeen battalions of the *Dutch*, who were posted to guard the lines of *Denain*, and totally routed them; in which unexpected onset were killed, wounded, or taken prisoners, above 10,000 men.

We took possession of *Dunkirk*, the rest of our forces marched to *Ghent* and *Bruges*, where they remained the remainder of the campaign.

* This piece seems to be written much after the manner of *Dryden's Absalom* and *Achitophel*.

No sooner were these extraordinary proceedings publickly known, but they raised great murmurs and complaints among all degrees of men, both in *Great Britain* and *Holland*, inasmuch that they were afterwards canvassed in the House of Lords, where a debate arose, but no censure was passed thereon.

The Duke of *Devonshire*, Lord *Cowper*, and a great many other Peers, entered their Protests on the occasion, which were published both at home and abroad, in *English*, *French*, and other languages.

On the 6th of *June* the Queen went to the House of Peers, and laid before the Parliament a sketch of the Treaty, which was negotiating with *France*.

As soon as she had withdrawn, the Lords took into consideration the advantages *France* had offered to *Great Britain*, when it was proposed to add these words to the Address, “*And in order to them, to pray her Majesty to take such measures, in concert with her Allies, as might induce them to join with her in a mutual guarantee;*” which clause being rejected, my Lord of *Devonshire*, with other Nobles, whereof Lord *Cowper* was one, entered their Protests.

In *August* the Lord *Bolingbroke* set out again for *France*, where he was received with particular marks of honour and respect. On the 19th the Marquis *de Torcy* and he signed the Treaty for the suspension of arms, and the next day his Lordship was conducted to *Fontainebleau*, where he had an audience of the King, and on the 24th returned to *England*, (leaving Mr. *Prior* behind, to take care of the *British* affairs.) Whilst these matters were thus transacting, the Ministers at *Utrecht* continued their meeting, and here we shall close the infamous year 1712*.

* This year died the following Noblemen and Gentlemen: *Thomas*, Duke of *Leeds*; Earl of *Winchelsea*; Lord *Pelham*, father of the present Duke of *Newcastle*; Earl of *Ranelagh*; Earl *Rivers*; Lord *Fitzharding*; Dr. *Killigrew*; and *Arthur Manwaring*, Esq;

1713. A Proclamation had issued for the meeting of the Parliament on the 13th of *January*, this year; but it was adjourned several times before they sat for the dispatch of business, upon account of our Ministry being deeply engaged in negotiating a Peace with the *French*, the articles of which were at length signed at *Utrecht* on the ninth of *March*, which gave but little satisfaction to the nation, as it was, and still is, the opinion of every sensible man, that we did not reap those advantages from it as might reasonably have been expected, considering our extraordinary successes.

The Parliament met on the 13th of *April*, when the Queen, in a Speech, communicated to them the contents of that Treaty; and, what must appear very astonishing, both Houses, by their Addresses, expressed their approbation of it. Nay, the Ministry now seemed so fond of the *French*, that they promoted the bringing into Parliament the famous *Commerce Bill**, which, whilst depending in the House of Commons, was strongly opposed by several considerable Merchants, who offered such reasons against the passing the Bill, that at last the House was prevailed on to throw it out, to the great mortification of some great men in power.

Nothing more remarkable happened this session; so that, on the 16th of *July*, her Majesty came to the House of Peers, and put an end to it: And soon after the Parliament was dissolved, and a new one summoned to meet in the winter.

The Peace we have been here speaking of was so displeasing to the generality of the people, that when the Duke of *Sbrowsbury*, accompanied by his Duchefs†, was sent Ambassador Extraordinary to

* Wherein they were to be allowed the free importation of their products.

† An *Italian* Lady, sister to the famous Count *Palieti*.

France, on this occasion several satyrical pieces were published, among which was one, stiled *The British Ambassadors's Speech to the French King*, in which are the following lines :

“ Hail, tricking Monarch ! more successful far,
 In arts of peace, than glorious deeds of war :
 As *Anna's* great Ambassadors I come,
 With news that will rejoice, both you and *Rome* :
 Ne'er did the *French* affairs so gayly smile
 These hundred years, as now in *Britain's* Isle ;
 For there the spirit of blind delusion reigns,
 And spreads its fury o'er the stupid swains :
 The Lords, the Commons, and the Priests conspire,
 To raise your power, and their own ruin higher ;
 Nay, ev'n the Queen, with qualms of conscience prest,
 Seems to advance your cause above the rest ;
 Her generous temper can't forget so soon ;
 The Royal favours you have always shown, }
 Both to her father, and his injur'd son ;
 And therefore is contriving every day,
 The mighty debt of gratitude to pay ;
 For you, she has ceas'd the thunder of the war ;
 Laid up her fleet, and left her channel bare ;
 For you, the fighting *Marlborough* is disgrac'd,
 And in his room a peaceful General plac'd :
 For you, she broke her word, her friends betray'd ;
 With joy look'd on, and saw them victims made :
 That pious Princess, when I left her Court,
 The place, where none but friends to you resort,
 Bid me to greet you in the softest words,
 That the most sacred tie of love affords ;
 And tell you that she mourns with secret pains,
 The mighty loss you have felt these ten campaigns ;
 And therefore now resolves to give you more, }
 By this last treaty, than you had before,
 And to its former height, raise your declining power.
 She knows she has no right the Crown to wear,
 And fain would leave it to the lawful heir ;
 In order to effect this grand design,
 And baffle all the *Hanoverian* line,
 A set of Ministers she lately chose,
 To honour and their country equal foes ;

* H

Wretches,

Wretches, whose indigence has made them bold;
Who will betray their native land for gold*.

The Duke d'Aumont repaired to the Court of London with the same character, and was graciously received by the Queen †.

On the 26th of June, *Powis-House*, where he had taken up his residence, was unhappily consumed by fire †. After this, some apartments were allotted him in *Somerſet-Houſe*. July the 1st he made his Public Entry, and had an audience of the Queen. During his ſtay he lived in a very ſplendid manner ||, diſperſing money by handfuls to the populace, and regaling the Nobility and Gentry with Maſquerades §, and other elegant entertainments; and here we ſhall cloſe the year 1713**.

* This bitter ſatyr was ſaid, in thoſe days, to be wrote by one Mr. L----y, Clerk to Sir E----d N----y, then A----y G----l, upon account of which he loſt his poſt; but we never heard that after the *Hanover* Succeſſion took place he had any recompence made him for what he wrote, and the loſs he had ſuſtained.

† It was ſaid, or rather whiſpered, that the Pretender came over *incognito* in his retinue, and had a ſecret audience of the Queen.

‡ Whether by accident, or deſign, it is not known, tho' he received ſeveral threatening letters before it happened: the damage was eſtimated at 20,000*l.* which, it is ſaid, the *French* King afterwards paid.

|| A compliment he made the Queen, at a review in *Hyda-Park*, July 31, was much taken notice of. After commending the fine appearance of the troops, he ſaid, *He was glad to ſee them where they were*; in which, I believe, nobody will doubt but he ſpoke as he thought.

§ In one of which it was ſaid, at that time, the Pretender was preſent, and taken ſo much notice of, as to be followed up and down by one Gentleman in particular, who was ſaid to have known his perſon; this occaſioned his quitting the place; and certain it is, that, whoever he was, he appeared no more at *Somerſet-Houſe*.

** This year died as follows, viz. the Earl of *Shaſteſbury*; *Sprat*, Biſhop of *Rocheſter*, (well known for his elegant Writings,) and was ſucceeded by Dr. *Atterbury*; *Cave*, author of *Primitive Chriſtianity*, and a learned Divine.

1714. The fourth Parliament of *Great Britain* met *March* the 2d, and the Commons chose Sir *Thomas Hanmer* Speaker. The Queen, in her speech to both Houses, congratulated with them on the Peace, to which they returned Addresses of Thanks; and it was soon seen, that this Parliament would, as nearly as possible, tread in the steps of the last. Complaint being made to the House of a piece, then lately published, called *The Crisis*, written by Mr. *Steele*, it occasioned a warm debate; and tho' that Gentleman, as it was said, fully justified himself, and was strongly supported by his friends, yet he was so obnoxious to the ruling Party, that, on a division, the piece was not only voted scandalous, but he was expelled the House*.

The Commons next proceeded to bring in a Bill to prevent the growth of *Schism*, which, tho' it met with opposition, was at last carried, (Yea's 222, Noe's 216.) It was supported by the Ministry, and opposed by General *Stanhope*, Sir *Joseph Jekyl*, Sir *Peter King*, Mr. *Walpole*, Mr. *Letchmere*, and Mr. *Hampden*. Being sent up to the Lords, it was there warmly debated. Those who spoke for it were the Earls of *Abingdon* and *Anglesea*, and the Lord *North* and *Grey*: Against it, the Duke of *Devonshire*, the Earls of *Nottingham* and *Wharton*, the Lords *Cowper* and *Halifax*. The Dissenters, whom it deeply affected, as the Bill deprived them of the education of their own children, desired to be heard by their Council against it; but their petition was rejected, (Yea's 72, Noe's 66,) and the Lords passed it, with some amendments, by 74 votes to 71; but a strong Protest was entered against it, consisting of twenty-nine Lords, among whom were his Grace of *Devonshire*, and Lords *Somers* and *Cowper*. But this Act was not

* By a great majority, it being moved to commit him to the Tower, Sir *William Wyndham* sarcastically observed: *It was sufficient to expel him, for his creditors would save them the trouble of committing him.*

put in execution, as the Queen died the day it was to have taken place on the contrary, it was, some time after, repealed.

On the 17th of *March*, the Lords took into consideration the State of the Nation; when his Grace of *Devonshire*, Lords *Somers*, *Cowper*, and other Peers, represented the danger the Protestant succession was in, thro' the Pretender's residing so near as *Lorrain**; and indeed it might be said, in some respects, to have really been so, seeing almost all its most zealous friends were then in disgrace; and, at the same time, several Lords spoke in favour of the unhappy *Catalans*†.

After these debates were over, the House, on the Earl of *Oxford*'s motion, resolved to address the Queen on the behalf of the distressed *Catalans*, and then adjourned to the 31st of *March*.

On the fifth of *April* the Lords took into consideration the State of the Nation, when fresh debates arose touching the late Peace, and particularly of the danger the *Hanover* Succession was in: In which an Address being proposed, and the words, *Being safe under her Majesty's Administration*, being objected to by the Duke of *Devonshire*, Lord *Cowper*, and others, the question was put, Whether they should stand or not; when it was resolved in the affirmative by seventy-six against sixty-four.

Lord *Halifax* next moved, "That an Address be presented, to pray her Majesty to renew her application to the Duke of *Lorrain*, for the speedy re-

* Some have thought, that one of the reasons, among others, for this representation, was, upon account of the suspicion that the Pretender was in *England*, at the time the *French* Ambassador resided here, as has been before hinted.

† These unfortunate people were reduced to the last extremity, being then besieged in *Barcelona*, and, at last, not meeting with the succours they expected, were obliged to surrender to King *Philip*, who made severe examples of such as had expressed their affection for his competitor.

moving the Pretender out of his dominions." Lord *Wharton*, at the same time, moved, that a reward should be offered, by Proclamation, for taking him dead or alive, in case he came to *England*; and the Duke of *Bolton* moved, that the reward should be suitable to the importance of that service. The question being called for, it was unanimously resolved, that such an Address should be presented; which was accordingly done.

The Queen gave a short answer to this Address; by saying, "she did not see, at that time, any occasion for such a Proclamation against the Pretender; when she did, would give proper directions therein."

This answer raised the hopes and expectations of the friends of the Pretender; but the same day an accident happened, which, as soon as known, cast them into a deeper consternation than before.

Whilst these matters were depending, Baron *Schutz*, the *Hanoverian* Minister; waited on the Lord Chancellor, and demanded a Writ for his Highness the Duke of *Cambridge*, to sit in the House of Peers. His Lordship was somewhat surprized at this unexpected demand, and told the Baron, that it was not usual to issue such Writs for Peers out of the kingdom; however, he would forthwith apply to the Queen for directions in this case, and so they departed. The Lord Chancellor having the same evening acquainted her Majesty, and the chief Ministers, with all that had passed, a Council was immediately called, and having set from nine of the clock, till after eleven, it was resolved, that the Lord Chancellor should make out a Writ for the Duke of *Cambridge*, as desired*.

* This demand of the *German* Baron, for the Prince's Writ, was no less displeasing to the Queen, than the former application for his coming over, on which occasion the Queen expressed her sentiments, in a letter to the Duke of *Marlborough*, as follows:

"I shall

But as the Baron had applied to the Lord Chancellor, before he acquainted the Queen with his orders, it displeased her Majesty so much, that the Baron was forbid the Court; yet the *Hanoverian* Resident had notice given that he might resort thither as usual. After this the Baron suddenly embarked for *Hanover*; yet he left a letter for Mr. Secretary *Bromley*, importing in substance, "That having the misfortune to incur her Majesty's displeasure, and being

"I shall look on none as my friends, either Whig or Tory, who shall make any invitation to the *young man, his father, or his grand-mother*. I therefore beg you will contrive some way to put such thoughts out of their heads, that I may not lie under the difficulty of refusing leave if it should be asked; or of forbidding them if they should attempt it; for one of these two things I must do, it being a thing I cannot bear, to have any *Successor* here, tho' but for a week."

Some have said, that this letter to the Duke of *Marlborough* fully discovers the Queen's aversion to the *Hanoverian* family; but we do not see it in that light. If that was to be admitted as an argument to prove it, we might say the same of Queen *Elizabeth*, in respect to her successor the King of *Scots*. For though she was determined that he should succeed her, yet she could not bear the thoughts of having him carested; because it would be, as she said, "digging her own grave." So, probably, Queen *Anne* thought, if one of the Electoral Family should come over and reside here, it might, in some measure, take off that duty and observance from her courtiers and attendants, which they naturally owed to her alone, by paying homage to one of the family next in succession; but when remaining on the other side of the water, they could not so easily do. So natural it is for mortals to pay more adoration to the rising than the setting sun! There are many instances of courtiers running away from, and forsaking their old Royal Masters in the decline of life, in order to pay an early court to their successors; two whereof we shall here mention. First, our own victorious King *Edward* the III^d was forsaken, on his death-bed, by all his rascally time-serving courtiers; and the other was *Charles* the VIIIth of *France*, whom his courtiers left dying upon a mat, and flew to the Duke of *Orleans*, his successor, afterwards *Lewis* the XIIth, to give him an early intelligence as to the condition the King was in, hoping by that means to get immediately some considerable employments under him.

thereby

thereby rendered incapable of serving his Master any longer in this Court, he thought it his duty to return home." In short, as *Schutz's* Declaration of the Electoral Prince's intention of speedily coming over, stunned and alarmed the Chevalier's friends, so it wonderfully raised the spirits of the well-affected to the House of *Hanover*, insomuch that the public funds rose four or five per cent.

The aforesaid answer, which the Queen returned to the House of Lords about the Pretender, was, on the 13th of *April*, reported by the Lord Chancellor; and not appearing entirely satisfactory to the House, a motion was made to prepare another Address, when a noble Duke moved, that the word *industriously* should be added. This occasioned a warm debate, when the Court party carried this point, by a majority of two proxies only.

In this Address they assured her Majesty, "That they would continue humbly to offer their advice to her Majesty, as well as to concur with her in all proper measures for supporting her Government, and for strengthening the Protestant Succession," &c.

This being presented, the Queen returned the House hearty Thanks for the Address, and further said, "she took very kindly the assurances given her therein;" and thus ended the affair about the Pretender in the House of Lords.

A motion was farther made, for taking into consideration the State of the Nation, relating to the Treaties of Peace and Commerce, and some speeches were made thereon; after which the debate was adjourned to *Monday* the 16th of *April*.

That day the debate was reassumed; and after the matter had been warmly canvassed for several hours, it was resolved, by a majority of eighty-two against sixty-nine, to present an Address, acknowledging her Majesty's goodness to her people, in delivering them, by a safe, honourable, and advantageous peace

peace with *France* and *Spain*, from the burthen of a consuming land-war, unequally carried on, and become at last impracticable; and to intreat her Majesty to pursue such measures as she should judge necessary for the completing the settlement of *Europe* on the principles laid down in her Majesty's Speech."

The Commons concurring in this Address, it was presented to the Queen; to which she returned an affectionate answer.

On the 9th of *June*, her Majesty came, for the last time, to the House of Peers; and having passed such Bills as were ready, the Parliament was prorogued to *August* 1.

She had been declining in her health for some time, and now daily grew worse; which was not a little aggravated by the feuds which broke out between the two great Ministers, *Oxford* and *Bolingbroke*, the former of whom could bear no equal, the latter no superior in power. As *Oxford* despaired of the Queen's recovery, he was for playing a sure game. For this end, he courted the friendship of the Dukes of *Shrewsbury* and *Devonshire**. But the Secretary having the Chancellor, and the female Favourite, (*Lady Masham*,) on his side, found means to ruin him with the Queen. Lord *Oxford* went to his country-seat *July* the 17th, and intended to have returned to *Windsor* in *August*, when it was expected great changes would have been made at Court; but on the 27th of *July* the Staff was taken from him. During these bickerings between the Ministers, the helpless Queen was insensibly hastened to her fate. It has been said, the warmest expostulations and bitterest

* The Duke of *Shrewsbury* was Lord Lieutenant of *Ireland* in the year 1713, when he declared, he was still the same as in the year 1668, and publicly drank to the glorious and immortal memory of King *William*.

reproaches passed, in her Majesty's hearing, between the falling Earl and the immediate promoters of his disgrace. The Earl had particularly disoblged Lady *Masham*, for refusing to sign a grant of 1000*l.* a year, made her by the Queen. Some add, that *Bolingbroke*, to prevent the Lord Treasurer's carrying his point, sent, by means of Mr. *Craggs*, secretly to entreat the Duke of *Marlborough* to return to *England*. The Dukes of *Somerset* and *Argyle*, understanding the condition the Queen was in, repaired immediately to *Kensington* (and were soon followed by the Duke of *Devonshire*,) and entered the Council-Chamber, where were sitting the Lord Chancellor, the Dukes of *Shrewsbury* and *Ormond*, and some others. It was agreed, that the Duke of *Shrewsbury* should be recommended to her Majesty for the Treasurer's Staff, which she delivered with her dying hands, bidding him *use it for the good of her people*. So that the Duke, at this time, was Lord Treasurer of *Great Britain*, Chamberlain of the Household, and Lord Lieutenant of *Ireland*. The elevation of this Nobleman entirely changed the face of affairs, and revived the hopes of the friends of the House of *Hanover*; and all the Privy Council, without distinction, were summoned to attend the Board. Mr. *Craggs*, junior, was dispatched to the Elector of *Hanover*, to acquaint him with the Queen's danger, and to entreat him to hasten to *Holland*, where a *British* squadron should be ready to bring him over, in case of the Queen's death. In short, this great Princess, being seized with an apoplectic disorder, in which she lay dosing a few days, yielded to nature *August 1*, aged fifty. On the 24th her remains were interred in *Henry the VIIth's Chapel*.

It must be confessed, that the Queen was a great and good Princess; her piety unaffected and sincere; and, with regard to conjugal love, she was one of the brightest examples the world ever saw.

Her bounty to the poor Clergy will stand an everlasting monument of Royal Charity. She was a fond mother, an indulgent mistress, and a gracious Sovereign. If she had not all the shining qualities requisite for sustaining the weight of a Crown, yet her wisdom in the choice of her first Ministers, the glorious success which for some years blessed her arms, and the Union of the two Kingdoms, rendered the beginning of her reign one of the brightest periods in our History.

There were two things to which the inglorious part of her reign may be imputed: her passion for Favourites, and the prejudice of her education. To the secret influence of her Favourites was owing the disgrace of her General, who, while he was steadily pursuing the interest of the public, was not only dismissed, but loaded with the heaviest reproaches, and even prosecuted for what had been granted him under the Queen's own hand, and what was afterwards given to the Duke of Ormond. In short, passion for Favourites seemed to have had a greater effect upon her, than the impression of ambition and glory; for otherwise she would not have abandoned so great a man, at a time when he was upon the point of marching to the gates of *Paris*, where she might have dictated a peace, instead of accepting such a one as the crafty *French* thought proper to grant her.

SEMPER EADEM was the motto of Queen *Elizabeth*, which Queen *Anne* assumed upon her accession to the Throne, and which, had she pursued with the same resolution and steadiness, she might certainly have exceeded her in glory and fame*. More might be said in respect to some other miscarriages that happened; but when we consider the goodness of her heart, and the love and affection she had for her subjects, as well as the many blessings that attended

* This year died Dr. *Sharp*, Archbishop of *York*; the Duke of *Beaufort*; and the famous Dr. *Radcliffe*.

her reign, we ought to dwell no longer on failings, but remember what *Plutarch* gives us to understand, in his life of *Cimon*. "Let us, (says that excellent Biographer) if lapses occur, occasioned by sudden emotions of passion, or the necessity of the times, rather look upon them as the defect of virtue than of vices; seeing it is impossible to shew the life of any one free from blemishes; consequently, we ought to draw the pencil gently over them, out of respect to human nature, which never furnished mortals with so many inclinations to virtue, but there was something still wanting to make them entirely perfect."

"Sweet rest her soul!

----- The memory of the just

Smells sweet, and blossoms in the dust."

We have now performed this part of our task, in briefly reciting what passed during the four last years of the Queen, wherein, as we apprehend, it fully appears, that our illustrious Lord acted with the same firmness in support of the Protestant Succession, as his father had done in relation to the Revolution, when he saw the religion and liberties of his country at the brink of being swallowed up by the enemies of both. As King *William* with the other parts of the Legislature were the chief instruments of entailing on us the inestimable blessings we now enjoy; so his then present Grace apprehending, during this last period, that some attempts were making to deprive us of it, he thought it incumbent on him, after so laudable an example, to use, in conjunction with other Patriots, their utmost endeavours to frustrate such attempts, which, God be praised, were at last crowned with success. It must redound greatly to the glory of the *Cavendish* family, that both the father and son should have equally contributed to our present happy establishment, no one having been so instrumental in recovering and settling the constitution, just when it was on the point of being overturned; and

the other, in securing and supporting the Protestant Succession, when it was in a tottering condition, and never, even in the worst of times, departing from his attention, till he saw it peaceably take place, by his late Majesty King George the First mounting the throne of *Great Britain*; which signal services, no doubt, will be gratefully remembered by his Majesty's Royal descendants to latest posterity.

The moment the Queen expired (1st of *August*) a great many of the Lords of the Privy Council assembled at *St. James's*; when his Grace the Archbishop of *Canterbury*, the Lord Chancellor, and the *Hanoverian* Resident, *Kreygenberg*, produced three instruments, wherein it appeared that his Electoral Highness had appointed the following noble Peers to be added to the seven great officers of State, as Lords Justices, viz. the Dukes of *Shrewsbury*, *Somerset*, *Bolton*, *Devonshire*, *Kent*, *Argyle*, *Montross*, and *Roxburgh*; the Earls of *Anglesea*, *Carlisle*, *Nottingham*, *Abingdon*, *Scarborough*, and *Orford*; Lord Viscount *Townsend*; and Lords *Hallifax* and *Cowper*.

After this a Proclamation was issued, declaring that the High and Mighty Prince George, Elector of *Brunswick*, was now become our lawful and rightful liege Lord; King of *Great Britain*, *France*, and *Ireland*, and he was, on the same day, proclaimed as such, with the usual ceremonies, in the cities of *London* and *Westminster*, and afterwards thro' all the other parts of the *British* dominions.

The Parliament met in the afternoon of that day; and tho' the Speaker was then in *Wales*, yet the House of Commons adjourned only till the next morning.

On the 5th, the Lords Justices came to the House of Peers, when the Lord Chancellor, in their name, made a Speech to both Houses. Next the Parliament sent over Addresses to his Majesty, to which

which he returned most gracious answers; concluding, in that to the Commons, with saying, "That he was hastening to them according to their desire, and the just expectations of his people."

The Parliament instantly passed two Bills, the one for the better support of his Majesty's Household, &c. and the other, for raising as much as was wanting to make up the sum of 1,400,000*l.* which was intended to have been raised by a Lottery. When these Bills had received the Royal Assent, and the other business of the Session over, the Parliament was prorogued, and soon after dissolved.

On the last day of *August*, Lord *Bolingbroke* was removed from being one of the Secretaries of State; and the doors of his office locked and sealed up; Lord *Townshend*, upon this removal, was appointed in his stead.

On the 20th of *September*, the King and Prince of *Wales* made their public entry, with great magnificence, into *London*, and so passed on thro' the city, attended by above two hundred coaches, and arrived at *St. James's* in the evening, in perfect health.

The Duke of *Devonshire* was appointed Lord Steward of the Household; the Duke of *Marlborough*, Captain General; the Lord *Cowper*, Lord Chancellor; Mr. *Stanhope* and the Duke of *Montrose*, Secretaries of State, in the room of Mr. *Bromley* and the Earl of *Mar*; the Duke of *Somerset*, Master of the Horse; Lord *Wharton*, Privy Seal; the Duke of *St. Albans*, Captain of the Band of Pensioners; Mr. *Pulteney*, Secretary at War; and Mr. *Robert Walpole*, Pay-Master of the Forces. The Privy Council was, according to the usual custom at the beginning of a Reign, dissolved, and a new one appointed; of which the Earl of *Nottingham* was made President. Out of this Council, a Cabinet one was formed, consisting chiefly of the Lord

Lord Chancellor, the Dukes of *Devonshire* and *Marlborough*, the Earls of *Nottingham* and *Sunderland*; the Lords *Halifax*, *Townshend*, and *Somers*; and General *Stanhope*; all which had, upon several important occasions, shewn themselves zealous friends to the Succession.

The Treasury and Admiralty were immediately put into Commission; Lord *Halifax* appeared at the head of the former; and the Earl of *Orford* at the head of the latter: The Earl of *Cholmondeley*, Treasurer, and Mr. *Boscawen*, Comptroller of the Household; and at the same time that learned and excellent poet, Dr. *Samuel Garth*, had the honour of Knighthood conferred on him.

Mr. *Prior*, who had remained at *Paris*, in character of Resident, ever since the Duke of *Sbrewsbury* returned home, was now recalled.

The beginning of *November*, the Dukes of *Devonshire*, *Marlborough*, and several other persons of Quality, received, by the *French* mail, under covers, the Pretender's Declaration, dated at *Plombieres*; upon this the Duke of *Lorrain's* Minister was forbid the Court, because they appeared to be dated in his Master's dominions.

1715. On the fifth of *January* a Proclamation was issued for dissolving the Parliament, and calling a new one.

This new Parliament was held in the month of *March* this year, when his Grace behaved with the same watchful zeal in the service of his King and Country, as he had before done. In short, the King as well as his people were so truly sensible of it, that it gained him not only high esteem from his Sovereign, but affection and respect from his fellow subjects in general.

In the debate, after the Address to the King was drawn up, to thank him for his Speech to both Houses, there were these words; "*recover the reputation*

tation of this Kingdom ;" Upon this Lord *Bolingbroke* and some other Peers, objected to them, saying, "*they tended to reflect on the Queen's memory ;*" and therefore desired they might be so far softened as to stand thus, "*maintain the reputation of the Kingdom.*" This objection was answered by my Lord *Devonshire*, and others ; his Grace, in particular, declared, that he was sure the House had no such intention, and withal added, that for his part he had the highest reverence and esteem for her Majesty's memory ; and (says Lord *Cowper*,) " that alteration of the word *recover* into that of *maintain*, will signify no more towards the justification of the guilty, than the word *recover* to that of condemning the innocent." So that, in the conclusion of the debate, the House resolved, that the first words should stand ; and an Address was accordingly prepared.

On the 26th of *May*, Lord *Bolingbroke*, hearing Mr. *Prior* was arrived in *London*, and had been introduced by the Earl of *Dorset* to the King, and well received, thought proper, in disguise, to retire into *France*. The next day there was handed about a letter, said to be writ by him, wherein he assigns some of his reasons for withdrawing himself. He was, however, afterwards impeached in Parliament of High Treason, and not appearing to answer to the charge, a Bill of Attainder passed against him ; as did also another against the Duke of *Ormond*, upon the same account. Indeed, the latter was greatly lamented by many of the King's true friends ; and in those days it was generally believed, that, if the Duke had not retired abroad, nothing would have come of his Impeachment ; for the King had a personal regard for him, and would certainly have granted him a pardon, if there had been any need of it.

About this time, there were very great riots and tumults in different parts of the kingdom, raised chiefly

chiefly thro' the artful contrivances of the enemies of the Government, inſomuch that the public peace was greatly interrupted, and that made the Houſe of Commons take theſe intereſting affairs into their ſerious conſideration; and, after mature deliberation, ordered in a Bill, *nem. con. for preventing tumults and riotous aſſemblies, and for the more ſpeedy and effectual puniſhing the rioters.* This Bill had a quick paſſage thro' both Houſes; and ſoon received the Royal Aſſent*.

The next matter the Houſe of Commons attended to was, that of impeaching the Earl of Oxford of High Treason, at the Bar of the Houſe of Lords, who was thereupon committed to the Tower, where we ſhall for the preſent leave him.

As to the deſigned Impeachments againſt Lord *Strafford* and *Harcourt*, it is true, Articles of Impeachment for High Crimes, &c. were drawn up againſt the former, which indeed had no effect. Now as to the latter, none were prepared againſt him, nor was there any farther notice taken of him, ſave that when the Act of Grace paſſed, Lord *Harcourt* was excepted out of it; yet he at laſt came into high favour, and was employed in the Miniſtry. But as to Mr. *Matthew Prior*, he was taken into cuſtody, where he remained for a conſiderable time.

The latter part of this year was remarkable for two extraordinary events; the one was, that of the death of *Lewis* the XIVth of *France*, who died the firſt of *September*, and was ſucceeded by his great-grandſon, now *Lewis XV*; and the other the Rebellion in our own bowels. In ſhort, nothing could be more fortunate to *Britain* than the death of the *French* King at this time; for from him the Rebels expected to be ſupplied with all ſorts of ſuccours and

* This Law is a very famous one, and generally goes under the denomination of the *Riot Act*.

supplies. Bigotry and revenge animated the people of *France*, with unanimous zeal, in the Pretender's cause; nay, even a Minority and a contested Regency, with the probable need which the Regent might have of our support, did not prevent all assistance. But, indeed, what contributed greatly to distress the Rebel Party in *France*, and hinder them, from time to time, sending supplies to their brethren in *Great Britain*, was chiefly owing to the care and vigilance of our Ambassador, the brave Earl of *Stair*, who kept spies in all the *French* ports, and got orders from the Regent, whenever he heard any ships were preparing to sail, with arms and other warlike stores and provisions, to stop them.

But notwithstanding all these impediments, the Rebellion went on, and the Pretender proceeded to *Scotland*, where he set up his standard; whilst the Rebels in *England* were marching onwards, and being met by the King's forces at *Preston*, on the 12th of *November* a battle ensued, and that part of the Rebels was totally defeated, and a great number of prisoners taken; among whom were the Earl of *Derwentwater* and Lord *Widdrington*, as were also the Earls of *Nisdale* and *Carnwarth*, and Lord *Kenmure*. These, as well as some others of note, were sent prisoners to *London*. And it is here to be remarked, that the defeat of the rebels at *Preston* was of unspeakable advantage, by effectually discouraging insurrections in many other places; whereas a few days march farther would have very much swelled their numbers, and consequently given them a dangerous strength.

The Duke of *Argyle*, in the mean time, headed our forces in *Scotland*, and engaged the Rebels at *Dumblain* on the 13th of *November*. Tho' both sides claimed the victory, it is plain the Duke had the advantage, by maintaining the field of battle. In fine, the Pretender was obliged to return to *France*, from whence he came; and, in fact, after a few other

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skirmishes

skirmishes between the King's forces and the Rebels, the Rebellion, before the end of the Winter, was entirely put an end to.

1716. The Parliament met on the ninth of January. The first part of the session was taken up in the impeaching and condemning the six Lords*, one whereof, *Nisdale*, found means to escape. The Earl of *Derwentwater* and Lord *Kenmure* were beheaded, and the other three reprieved. As to the Commons, some were tried, condemned, and executed; and others were either acquitted or pardoned.

On the first of *March*, Mr. *Lechmere* moved for bringing in a Bill to strengthen the Protestant Interest, by enforcing the Laws against *Papists*; which being seconded, it was ordered in accordingly.

On the sixth of *March*, the King gave the Royal Assent to the Bill, entitled, *An Act for the more easy and speedy trial of such persons as have levied, or shall levy, war against his Majesty*. This Bill had been vigorously opposed in both Houses before it passed, particularly in the House of Peers; for my Lord *Trevor*, when the question was put as to reading it a second time, said, "The Bill was contrary to *Magna Charta*, and tended to subvert the undoubted right of the subject." Besides, other Lords expressed their opinions to the same effect. But my Lord Chancellor shewed the weakness as well as the unreasonableness of their opinions; and the Duke of *Devonshire* and other noble Peers declared, that there was, at that time, a necessity for such a Bill; so that when the debate was over, the Question was carried in the affirmative; after which the Bill passed without any farther objections.

* My Lord Chancellor *Cooper* was appointed Lord Steward; and when he passed Sentence of Death on the six unhappy Lords, who had all pleaded guilty, he made a most moving and affecting Speech on the occasion.

On the 15th of *March* the Earl of *Wintoun* was brought to trial, at the Bar of the House of Lords, on an Impeachment for High Treason, to which he had pleaded not guilty. My Lord Chancellor *Cowper* was, on that occasion appointed, Lord High Steward. After a trial of three days, the Earl was unanimously found guilty by his Peers, amongst whom his Grace the Duke of *Devonshire* was one; sentence of death passed on him; but the execution of it was respited.

About this time great interests were making, in different parts of the country, in expectation that the Parliament, according to the Triennial Act, would soon be dissolved; and as it was observed that rioting and mobbing were never got to a greater height, some of the considerate part of the Nation were apprehensive, that, whilst such a spirit reigned, new elections might be attended with the most dangerous consequences. This my Lord of *Devonshire* also saw with concern; and as he was convinced they were chiefly owing to the under-hand dealings of the emissaries of the Pretender, and those who were for introducing an arbitrary power; he, as becoming a good Patriot, attended closely in the pursuit of such measures as would, in his apprehension, frustrate for the present their malicious designs; and for that end he drew up a draught of a Bill for turning Triennial into Septennial Parliaments: Being thus prepared,

On the 10th of *April* his Grace made a speech in the House of Lords, wherein he represented "the inconveniences that attend Triennial Elections of Members of Parliament; particularly, that they serve to keep up party divisions, and to raise and foment feuds and animosities in private families: That besides, they occasion ruinous expences, and give a handle to the cabals and intrigues of foreign Princes: That therefore it was becoming the wisdom of that

august Assembly to apply a proper remedy to an evil, which might be attended with the most dangerous consequences, especially in the present temper of the Nation; for, though the Rebellion was happily suppressed, yet the spirit of it remained unconquered, and seemed only to wait for an opportunity to shew itself with more violence: That the election of a new Parliament, which by the Triennial Act was not far off, being the most favourable juncture which the disaffected could expect, he thought it absolutely necessary to deprive them of it: For which purpose, he had a Bill to offer to the House, for enlarging the continuance of Parliaments;” and at the same time he moved to have it read.

He was seconded by the Earl of *Rockingham*, besides the Lord Chancellor *Cowper*, Duke of *Argyle*, the Earl of *Dorset*, the Lord *Townshend*, the Duke of *Kingston*, Lord *Carteret*, the Duke of *Newcastle*, &c. who spoke in favour of such a Bill. When the Duke of *Buckingham*, and several other Peers, tho’ they did not directly oppose the Bill, for the purposes urged in his Grace’s speech, yet they were for putting off the reading of it till another time, tho’ they admitted that every Member of that House had the Privilege of offering what Bill he thought fit; but that the House was likewise at liberty either to read it, or not; and, as what the Duke of *Devonshire* proposed was of a high nature, and ought to be well weighed and considered before there was any debate upon it; they therefore moved, that the Bill might lie for some days upon the table before it was read. The Lords, on the other hand, who were for having it then read, answered, “That it was far from their thoughts to offer at the carrying any thing by surprize, and that by the ordinary method of proceeding, every Member would have a sufficient time to weigh and consider what my Lord *Devonshire* had offered: Upon this the Earl of *Dorset* moved,
“That

“ That the Bill might be read, and that the second reading of it might be put off to the *Saturday* following; all which the House agreed to, and the Bill was read, as follows:

An Act for enlarging the time for continuance of Parliaments, appointed by An act made in the 6th year of the Reign of King William and Queen Mary, entitled, An Act for the frequent meeting of Parliaments.

“ WHEREAS in and by an Act of Parliament made in the 6th year of the Reign of their late Majesties King William and Queen Mary, of ever blessed memory, entitled, *An Act for the frequent meeting and calling of Parliaments*, it was, among other things, enacted, *That from thenceforth no Parliament whatsoever, that should at any time after be called, assembled, or held, should have any continuance longer than for three years only at the farthest, to be accounted from the day on which, by the Writ of Summons, the said Parliament should be appointed to meet:* And whereas it hath been found, by experience, that the said clause hath proved very grievous and burthenfome, by occasioning much greater and more continued expences, in order to elections of members to serve in Parliament, and more violent and lasting heats and animosities among the subjects of this realm, than were ever known before the said clause was enacted; and the said provision, if it should continue, may probably, at this juncture, when a restless and Popish Faction are designing and endeavouring to renew the Rebellion within this kingdom, and an invasion from abroad, be destructive to the peace and security of the government: *Be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and in Parliament assembled, and by the authority of the same, that this present Parliament, and all Parliaments that shall at any time hereafter be called, assembled, or held, shall and may

may respectively have continuance for ^{year} and no longer, to be accounted from the day on which, by the Writ of Summons, this present Parliament hath been, or any future Parliaments shall be appointed to meet, unless this present, or any such Parliament hereafter to be summoned, shall be sooner dissolved by his Majesty, his heirs, or successors."

On the 14th of *April*, this Bill, according to order, was read a second time; when the Lord Chancellor put the question, whether it should be committed? upon which there arose a warm debate, which lasted from about two till seven in the evening.

Those who were against the Bill, urged, "That it was of a very extraordinary nature, as it repealed the Triennial Act, which the people looked upon as the great security of their rights and liberties, and that if it passed their House, and the Commons agreed to it, it would, on their part, be a breach of that trust, which was reposed in them, by those they represented. The latter part of this assertion was denied by a noble Duke, who spoke in favour of the Bill, "saying it was one part of the business of the Legislature to rectify old laws;" in short after several Lords had offered many reasons for and against the Bill, the Lord Chancellor recapitulated the arguments that had been offered on both sides, and in the course of his Lordship's Speech he related a genuine account of the Triennial Act; - and therein shewed how it was obtained, and at the same time took occasion to vindicate the actions of the King and Government, by appealing to the Lords and Commons, whether the least provocation had been given, either by his Majesty or his Ministers, to cause the dissatisfaction that had of late arisen against them; and then the question was put, whether the Bill should be committed; it was carried in the affirmative, ninety six against sixty-one.

On

On the 16th of *April*, the Committee having gone thro' the Bill, and ordered the blank, before the word *years*, to be filled up with the word *seven*, the question was put, whether it should be reported in order to be engrossed, with the blanks so filled up? It was carried in the affirmative by seventy-four voices, against thirty-nine. The next day the Bill was reported.

On the 18th the question was again put, whether this Bill should pass? It was carried in the affirmative, sixty-nine, against thirty-six.

On the 19th, the Lords sent it down to the Commons, where it was also strongly opposed; but upon putting the last question, it was resolved that the Bill should pass, by a majority of two hundred and sixty-four votes, against a hundred and twenty-one.

On the 26th of *June*, his Majesty went to the House of Peers, and gave the Royal Assent to several Bills, among which were, An Act to oblige Papists to register their names and real estates; and to the Act for the enlarging the time for the continuance of Parliaments, commonly called the *Septennial Act*.

After the passing all the Bills that were then ready, his Majesty made a Speech to both Houses of Parliament, and then they were prorogued.

Upon this prorogation, *Matthew Prior*, Esq; who had been some time in custody, was set at liberty*.

* He was the son of Mr. *George Prior*, Citizen of *London*, by trade a Joiner, and was born in the year 1664. He received part of his education in *Westminster School*, and was afterwards placed as a Gentleman Commoner in *St. John's College*, in *Cambridge*, at the sole expence of the Earl of *Dorset*. Upon the Revolution, as he was esteemed an excellent scholar, he was brought to Court, and, by the means of his great patron the Earl of *Dorset*, he was, in 1690, made Secretary to his Majesty at the Congress held at the *Hague*. After this he was constituted Secretary of State in *Ireland*, and in 1700, one of the Commissioners of Trade and Plantations; and in 1711, one of the Commissioners of the Customs, and Plenipotentiary in *France*. In 1715, his political friend, the Viscount *Bolingbroke*, foreseeing a storm

His Grace of *Devonshire*, soon after the breaking up of the Parliament, resigned his office of Lord Steward of the Household, and was immediately declared Lord President of the Council.

This year was remarkable for the deaths of five great men; first, *Tennison*, Archbishop of *Canterbury*; secondly, the Marquis of *Wharton*, Lord Privy Seal; third, *Burnet* Bishop of *Salisbury*; fourth, Sir *Thomas Stephen Fox*, in the 90th year of his age,

a storm was coming, he, to avoid it, ran away to *France*, and thereby, as it was then merrily said, secured *HARRY*, but left poor *MATT.* in the lurch. Whilst Mr. *Prior* was in custody, the following, among other lines, were addressed to him:

Could I, great Bard, O! could I share,
Thy genius as thy grief,
My healing verse should sooth thy care,
And timely give relief.

Again:

'Tho' faction all its rage oppose,
The pleasing theme pursue:
They only who were *ANNA's* foes,
Are enemies to you.

Mr. *Prior*, after his discharge from his confinement, spent the remainder of his days in a rural tranquillity, at his seat at *Down Hall*, in *Essex*.

"The remnant of his days he safely past,
Nor found they lagg'd too slow nor flew to fast;
He made his wish with his estate comply,
Joyful to live, yet not afraid to die."

This Gentleman died the 18th of *December*, 1721.

The death of so extraordinary a person, was esteemed an irreparable loss to the polite world, and his memory will be dear to those, who have any relish for the Muses, in their softest charms.

I shall conclude this short account of Mr. *Prior*, in the words of a Poet:

"But when thy tomb, as all things mortal must,
Sink ere a while, as *THOU* dost now, to dust;
Thy deathless works a monument shall raise,
Which will for ever last, and sound thy praise.
And not in *Westminster** alone proclaim,
But all the land record, *Prior's* immortal fame."

* *Abbey*.

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and well deserved by his actions, the character Lord *Clarendon*, early in life, gave of him; fifth, his Grace of *Devonshire's* father's particular friend, Lord *Somers*, who was one of the most illustrious men of his age. Mr. *Addison* has drawn up a true character of his Lordship, and published it, in a work stiled the *Freeholder*, to which we refer our Readers*.

1717. The Parliament assembled on the 20th of *February*. His Majesty opened it with a speech, wherein he told both Houses, "That he had an entire confidence in them, and had nothing to ask, but that they would take such measures as should best secure their religion and liberties; and that, whilst

* He was born in the city of *Worcester*, in the year 1650, and was educated in *Trinity-College* in *Oxford*; from thence he removed to the *Middle-Temple*, where he studied the Law; nor did he neglect, during that season, the improving himself in polite literature, of his knowledge in which he gave considerable proofs in a spirited pamphlet, entitled, *A just and modest vindication of the two last Parliaments held in 1680 and 1681*, published in answer to King *Charles* the II^d's Declaration.

Bishop Burnet says, this piece was first wrote by Colonel *Sidney*, but a new draught was made by Mr. *Somers*, and corrected by Sir *William Jones*, Attorney General. He also wrote a treatise in defence of *Ignoramus* Juries, in relation to the Earl of *Shaftsbury's* case, tho' it passed under the name of the Earl of *Essex*, with whom Mr. *Somers* lived in great confidence, as well as with the Lords *Russel*, *Carvendish*, &c. He wrote several pieces, such as *the Life of Alcibiades*, in the 2^d volume of *Plutarch's* Lives, by different hands; and *the Epistle of Dido to Aeneas*, in *Ovid's* Epistles, translated in the same manner; as also that of *Ariadne to Theseus*, from whence, as a specimen of his versification, we shall give the following lines:

"To our once happy bed, I often fly,
(No more the place of mutual love and joy,)
See where my much lov'd *Theseus* once was laid,
And kiss the print which his dear body made!
Here we both lay! I cry, false bed restore
My *Theseus*, kind and faithful as before,
I brought him here! here lost him while I slept!
How ill, false bed, have you my lover kept?

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they preserved these inestimable blessings, he should sit easy on his Throne."

Both Houses having made suitable Addresses on the occasion, and his Majesty returned answers thereto, they first proceeded to enquire into the conspiracy formed by *Sweden*, to invade *Great Britain*. This took up some time; but, however, thro' the vigilance of his Majesty and the Parliament, the *Swedish* design was defeated.

A late Writer well observes, on this occasion, "That the death of the King of *Sweden*, which some short time afterwards happened, was far from being the least considerable of many favourable events, that contributed to the making his Majesty more firmly fixed on his Throne; for, had that implacable Monarch lived, his designs against *Denmark* would probably have succeeded, and then he would have had full leisure and opportunity of transporting his hardy troops into *Scotland*."

Soon after this, differences arose between some great personages in the Administration, which was so disagreeable to his Grace, that he thought proper, for the present, to retire from business, and on the 16th of *April*, whilst the Parliament was sitting, resigned his office of Lord President of the Council; but still he continued to express the same duty and respect for his Majesty as before.

This great Man had always shewn an inviolable attachment to all the Royal Family, and therefore it would not permit him to act with those, who had lately made an unhappy division between the King's best friends. Now to justify his conduct at this juncture, we need only observe, that some of those, who had before the largest share of favour and power, were then removed from their employments; consequently, his voluntary resignation must have given a great grief both to the well-affected, as to all dispassionate men of both parties, who knew that
by

by his wisdom and moderation, in conjunction with Lord Cowper, they had gained abundance of friends to the King and Royal Family, as well as kept steady many wavering ones, besides bringing some of the Clergy into a better temper, which hindered several hot, over-zealous men from carrying things to dangerous extremes. His Grace was now become private, and disengaged from all obligations, (save that of the love he owed to his King and country,) yet he pursued no other course than that which became a loyal Subject and a good Patriot, and, as such, spoke his mind upon all proper occasions*.

However, as his Grace had resigned, several others in the Administration did the like, on the same day. In short, matters were then in so much disorder, that the Parliament adjourned to the sixth of *May*.

On the 21st of *June* the King came to the House of Lords, and passed several Bills, which lay ready for the Royal Assent.

The Earl of *Oxford* had lain near two years in the *Tower*. He now petitioned the House of Lords for a speedy trial; and his Grace of *Devonshire*, notwithstanding what had heretofore passed in respect to the changing the Ministry in the late Queen's time, thought it very unreasonable that his Lordship should be any longer detained in the *Tower*, under so heavy a charge as High Treason; and therefore he joined with other Lords in voting for what the Earl

* The misunderstanding between the King's Ministers appeared in the course of the Debate in the House of Commons, upon Mr. *Stanhope's* motion for a supply against *Sweden*. The motion, it is true, was carried, yet it was by so small a majority as only three; and it being evident, this was occasioned by my Lord *Townshend's* party, which he had in that House, voting against the Supply, Mr. *Stanhope*, by the King's order, (who was highly displeased at hearing what had passed,) wrote his Lordship a letter, to acquaint him, that his Majesty thanked him for his past services, but had no further occasion for him as Lord Lieutenant of *Ireland*.

prayed: And when the Commons desired it might be put off for a fortnight, his Grace said, "twelve days were enough;" which the House agreed to.

On the 24th of *June* the trial came on, when the Commons were present. The Lord Chancellor *Cowper* was, on this occasion, appointed High Steward. After Lord *Oxford* was brought to the Bar, the Articles against him were read. Then his Grace, the Lord High Steward, in a speech, addressed himself to the Earl, wherein he gave him to understand, he should have a fair and an impartial trial.

Mr. *Hampden*, one of the Managers for the Commons, made a long speech, in order to enforce the Charge against the Earl. Sir *Joseph Jekyll* next stood up, in order first to proceed on the Article in the Charge in respect to the Misdemeanors; which was opposed by Lord *Harcourt*, who insisted, the Commons ought to proceed on the heaviest Article first. His Grace of *Devonshire*, and other Lords, were of the same opinion; which, upon putting the question, was carried in the affirmative, by a majority of eighty-eight voices against fifty-six. The Commons, being informed of this resolution, returned to their House, and the Lord *Oxford* was remanded back to the *Tower*.

From the 24th to the 1st of *July* the Commons spent in searching of Precedents, and holding Conferences with the Lords, who insisted on proceeding on the trial, in the manner they had resolved.

On the 1st of *July* the Lords sent a Message to the Commons, to inform them, That they intended presently to proceed farther on the trial of the Earl of *Oxford*. About seven in the evening the Lords went from their House into *Westminster-Hall*; but the Commons not appearing, their Lordships returned back to their House; and upon the question being put, the Peers acquitted the Earl. Among whom were the Duke of *Devonshire*, and the Lord
High

High Steward. After this acquittal, my Lord Oxford was discharged out of custody, and the Parliament prorogued*.

On the 18th of *November*, the King having opened the Session with a Speech, the Lords voted an Address of Thanks, and the next day they waited on his Majesty with the same, who received them very graciously, and returned an Answer thereto.

On the 12th of *February* following, an engrossed Bill from the Commons, for *punishing Mutiny and Desertion*, was read the first time. Many Lords spoke against the Bill, as they thought the exercising a martial law in time of peace, was inconsistent with the liberty of *England*; but Lord Stanhope † answered what those Lords had urged in disfavour of the Bill; as did also the Duke of *Devonshire*, and Lord Chancellor *Cowper*; the latter said, "He had considered the affair, now in agitation, not

* He, upon this, retired to his seat in the country, and then Mr. *Pope*, a celebrated Poet, addressed the following, among other lines, to him:

"In vain to deserts thy retreat is made,
The Muse attends thee to the silent shade;
'Tis her's the brave man's latest steps to trace,
Rejudge his acts and dignify disgrace;
When int'rest calls off all her sneaking train,
And all the oblig'd desert, and all the vain;
She waits thee to the scaffold, or the cell,
When the last ling'ring friend has bid farewell,
Ev'n now she shades thy ev'ning walk with bays,
(No hireling she, no prostitute to praise;)
Ev'n now, observant of thy parting ray,
Eyes the calm sunset of thy various day;
Thro' fortune's clouds one truly great can see,
Nor fears to tell that *Mortimer* is he."

His Lordship lived till the 21st of *May*, 1724, and that day he died at his house in *Albemarle-street*.

May the 20th died Sir *John Trevor*, Master of the Rolls, and was succeeded by Sir *Joseph Jekyll*.

† He was created Viscount *Stanhope*, the 12th of *July*, 1717, and Earl *Stanhope*, the 7th of *April*, 1718, and died the 4th of *February*, 1720-1.

as a person in a public station, but as a private un-
judiced man; and that he was convinced, in his
judgment and conscience, that the passing it was ne-
cessary, both for the support of the present Establish-
ment, and to keep up the forces now on foot; so that
at last it received the Royal Assent.

Before the expiration of the year 1717, an unhap-
py difference arose between the King and the Prince
of *Wales*, (which was a sensible concern to his Grace
of *Devonshire*,) infomuch that on the 24th of *Decem-
ber* his Majesty was pleased to cause his Royal plea-
sure to be signified to all Peers and Peereffes of *Great
Britain* and *Ireland*, and to all Privy Counsellors and
their wives, that if any of them should go to their
Royal Highnesses the Prince and Princess of *Wales's*
Court, they should forbear coming into his Ma-
jesty's presence.

The cause of the difference was upon this occasion:
The young Prince, son of their Royal Highnesses,
was baptized by the name of *George William*, on the
28th of *November*; his Majesty was one of the God-
fathers, and the Duke of *Newcastle* the other, and
the Dutches of *St. Albans* Godmother. Now as his
Royal Highness designed his uncle the Duke of *York*
to be one, so, by what had happened as to *New-
castle's* being the Godfather, the disappointment sen-
sibly touched him, infomuch that, as soon as the
ceremony was over, his Royal Highness spoke some
warm words to the Duke; which being reported to
the King, his Majesty thought fit to give a sudden
mark of his displeasure, by sending his commands to
the Prince, to keep his own apartment till his pleasure
was farther known; to which he submitted. Soon
after, his Majesty's farther pleasure was signified to
the Prince, that he should immediately leave *St.
James's*, which accordingly he did, with the Princess;
but their children still remained in that Palace, by
the

the King's command *, and soon after *Leicester-house* was fitted up for their reception; where, and at *Richmond*, they lived privately, without any guards, and often went to *Richmond Church*, in the same manner as others of the Nobility usually do, with no other attendants than their own domestic officers and servants: And we can with truth affirm, that their Royal Highnesses, during Divine Service, behaved with such decency and devotion, as greatly edified the whole congregation.

1718. On the 18th of *March*, his Grace's friend, my Lord *Cowper*, was created a Viscount and an Earl of *Great Britain*, by the title of Viscount *Fordwich*, and Earl *Cowper*; yet his Lordship, being dissatisfied with the then present measures, on the 15th of *April*, about three o'clock in the afternoon, resigned the Great Seal into his Majesty's hands, and immediately retired to his seat in the country. It was reported, for some months before his resignation, that his Lordship had earnestly desired to be eased of that weighty and arduous employment, which he bore for many years, to the manifest detriment of his health; yet his laying it down at this juncture was a great surprize to every body, and no small grief to all sober men, who were at first puzzled, how to find out a proper person to succeed so good a Patriot, and so great a Minister.

The Seals were first committed to the custody of certain Commissioners, but afterwards given to Lord *Parker*, with the title of Lord High Chancellor, and a pension of 4000*l.* a year for his life †.

Other changes happened at this time. Sir *Edward Northey* was removed, and Mr. *Lechmere* was made

* But her Royal Highness had liberty to see them as often as she pleased.

† *February* the 1st died *Charles Duke of Shrewsbury*; as did *Ho*, in *France*, on the 26th of *April*, N. S. *Mary*, Dowager Queen of the late unfortunate *James II.*

Attorney General in his room; the Earl of *Derland* was made President of the Council, and Commissioner of the Treasury; Mr. *Craggs*, Lord *Stanbope*, [now an Earl,] were made Secretaries of State.

The *Spaniards* had been, for some time, making conquests on the Emperor's dominions in *Italy*, allotted to him by the Treaty of *Utrecht*. This made *Great Britain* interpose. *Spain* thought proper, at first, to promise she would suspend her operations against the Emperor's *Italian* States, and leave the matters in difference with the Emperor to the mediation of *England*, *France*, and *Holland*; but at last she refused it, and continued her preparations for carrying on the war with vigour: And, withal, the *Spaniards* gave out, as they had now a powerful fleet, they would stop our ships, in order to take out what contraband goods they could find on board them; which occasioned the following lines:

“How would our neighbours, Sir, sneer at the scene,
Should *Spaniards* search the Masters of the Main?
When that day comes, no more let *Britain* boast
Her ancient courage and her naval host;
Let all her tall ships in her harbours rot,
And all her sea achievements be forgot.”

This behaviour of the *Spaniards* at last roused our sleepy lion, and we, on our part, fitted out a fleet, with a view to meet their grand and powerful one, hoping, by that means, to make peace sword in hand; and Sir *George Byng*, who had the command of it, sailed from *Spithead* on the fourth of *June*, and arrived before *Sicily*, which island the *Spanish* forces were endeavouring to conquer. Sir *George* immediately summoned them to desist, and withdraw their forces out of that island; but instead of doing what was demanded, *Alberoni*, the King of *Spain*'s Prime Minister, haughtily referred Sir *George*, as was said, for an answer, to the *Spanish* fleet, which was then very

very near *Byng's*. In short, he overtook the *Spaniards*, and, without any farther ceremony, to blows they went; and the conflict ended in the *English* having almost totally destroyed the *Spanish Armada*, (as some of those people vainly called it,) by scarcely leaving a ship unshattered, to carry the news home of their defeat.

On our side this was a very hazardous undertaking, upon account of the *Spaniards* lying near the shore, by which means they could receive assistance from their army; so that the *Spaniards* had many advantages over the *English*. In short, considering the situation of the *Spanish* fleet, our Admiral ran the chance of destroying his fleet, or buying of a victory, if he succeeded, very dear.

When the *Spaniards* received the news of the destruction of their fleet, *Alberoni* changed his note. In a letter to the Marquis *de Monteleone* he called it an unworthy action, but spoke nothing of the fleet being destroyed, only that the *English* had gained a considerable advantage over it; yet it was, in truth, such an advantage, that the *Spaniards* have never alone since dared to face a *British* fleet.

On the 11th of *November*, this year, the Parliament assembled, when the King, in his speech to both Houses, took notice of the great victory his fleet had gained over that of the *Spaniards*.

But as the battle was fought before a Declaration of war appeared, many considerable personages in *Britain* thought it not right; so that when the Lord *Carteret* moved to congratulate his Majesty on the success that had attended his fleet, and to assure their Sovereign that they would support him in the measures he was pursuing, in which he was seconded by Lord *Tenham*; yet his Grace of *Devonshire* and Lord *Cowper*, besides other Peers, excepted against congratulating the King on the occasion; and the reason they assigned for their exception was, "because it was,

* M in

in effect, approving a sea-fight before war was declared, which might be attended with dangerous consequences; and that, according to the usage of the House, they ought to proceed with caution in an affair, wherein the honour as well as the interest of the nation was so nearly concerned." But notwithstanding what was urged by those Lords, the House resolved to address the King, in the manner Lord Carteret proposed.

It is certain this opposition did not arise from any dislike they had to our Fleet's having banded the *Spaniards*; but from an apprehension that our falling upon them, in the manner we had done, should impeach the Honour of the Nation, which had been famous for ages as to maintaining the faith of Treaties; consequently, *publickly congratulating the King on that occasion*, would be giving a parliamentary sanction to the action, which might, in the end, be so far prejudicial to the Kingdom, as to make those on the Continent look on us as a degenerated people, and therefore not to be trusted, let there be what Treaty soever subsisting between them and us. And here we shall close the year 1718.

1719. On the 28th of *February*, the Duke of *Somerset* moved for leave to bring in a Bill, *to settle and limit the Peerage*, in order to prevent the inconveniencies that might attend the creation of a great number of new ones to serve a present purpose; "of which, he said, they had had a remarkable instance in the late Reign;" next he proposed, "that the number of *English* Peers should not be enlarged beyond six of the present number, which, from time to time, as the old titles became extinct, might be supplied by new creations; and that, instead of sixteen elective Peers, twenty-five should be made hereditary on the part of *Scotland*, whose number, upon failure of heirs male, should be supplied out of the *Scotch* Peers."

Peers. The Duke of *Argyle* seconded this motion; this was also backed by the Earl of *Carlisle*; which last added, "That as it was a matter of great consequence, therefore he thought the motion ought to be adjourned till the *Monday*." Lord *Oxford*, in particular, excepted against the Duke of *Somerset's* motion, saying, "*it tended to take away the brightest gem from the Crown.*" Lord *Sunderland* answered him, and seconded Lord *Carlisle's* motion, and thereupon it was adjourned, as that Lord desired.

On the 2d of *March*, Earl *Stanhope* delivered a Message from the King, purporting, "That he had so much at heart the settling the Peerage of the whole Kingdom, upon such a foundation as may secure the freedom and constitution of Parliament in all future ages, that he was willing that his Prerogative should not stand in the way of so great and necessary a work."

A motion was made, to thank his Majesty; but Lord *N—g—m* excepted against it, saying, "it was unusual for the King to take notice of things depending in Parliament;" but the Duke of *Buckingham* answered the objection; and then the Debate was adjourned till the next day, after the House had resolved to thank the King for his Message.

The 3d of *March* was, for the most part, taken up by the Lords in making speeches for and against the Peerage Bill. Among those of the latter, were his Grace of *Devonshire* and Earl *Cowper*.

On the 16th the Lords having read, a second time, the Peerage Bill, several petitions were offered against it; however, it was ordered to be engrossed.

On the 2d of *April* this famous Bill was engrossed, and on the 14th, being the day appointed for the third reading of it, Lord *Stanhope* got up, and said, "That the Bill had raised great clamour among the people, and it was likely to meet with much opposition in the other House; he therefore moved,

* M 2 that

that the third reading of it might be adjourned; and withal said, "That they would wait for a more convenient opportunity," which was accordingly done; and by that means the Bill was, for the present, dropped; and, indeed, we have never since heard any more of such, or the like Bills.

The King of *Spain* was now so very angry at what had happened the last year, that his Prime Minister formed a design to dethrone the King, and, in order to effect it, openly espoused the Pretender's cause. The Duke of *Ormond* was sent for to *Madrid*, who repaired thither the beginning of this year, and measures were concerted to stir up the Pretender's friends in *Great Britain*.

The Pretender himself afterwards followed the Duke of *Ormond* into *Spain*, and was magnificently received at *Madrid*, and treated as King of *Great Britain*, whilst preparations were there made to invade us.

His Majesty, upon receiving this news, acquainted the Parliament with the intended invasion.

Both Houses unanimously assured the King of their support, not only against *Spain*, but all his other enemies, both at home and abroad.

In the mean time, a *Spanish* squadron of men of war sailed for *Scotland*, with five thousand men on board, but soon met with a violent storm, by which accident the ships were entirely dispersed, and so greatly shattered in it, that it was with some difficulty they got back to *Spain*; two frigates, however, made shift to ride out the storm, and landed four hundred men in *Scotland*, where they were joined by a body of Highlanders. These were soon defeated by an inferior number of the King's forces, when two hundred and seventy-four of the *Spaniards* were taken prisoners; after this, the Rebels entirely dispersed themselves, and, what gives us great pleasure, none of those unhappy misled Highlanders were afterwards
put

put to death. And thus ended the *Spanish* enterprize upon *Great Britain*.

1720. We are now come to a fatal year, which will for ages be particularly remembered, upon account of the miseries and distresses many worthy families were reduced to, thro' their being drawn in to encourage a wicked project, generally known by the name of *the South Sea Scheme*; tho' still it was so contrived, as to make the Adventurers believe that it was honestly calculated for the public benefit, and from whence great advantages would accrue to them; as indeed those who were in the secret actually received, thro' the sudden and prodigious rise of that stock. This was not so artfully managed at first, as to be universally approved of; for when the matter was depending in Parliament, and brought before the House of Lords, to obtain an Act, in order to give a sanction to this scheme, his Grace of *Devonshire* saw it in the light it afterwards turned out, by considering it to be like the *Trojan* horse, contrived by treachery, ushered in by fraud, received with pomp, but big with ruin and destruction, and therefore opposed it. However, a malevolent star seemed to have hurried on the fate of *Britain*, and an Act passed into a law, owing principally to avarice and a general corruption, which had clouded the understanding and debauched the morals of some, to such a degree, that they were blind to the consequences, and deaf to the voice of reason; but this blindness and deafness did not continue many months, before they recovered both the one and the other, and plainly perceived, when it was too late, that tho' they imagined they were possessed of great riches, by having their all vested in that stock, they found themselves, by the sudden and surprizing fall of it, reduced to a state of poverty and want; insomuch that bitter complaints were generally heard, wherever we came, against the Directors, and every other person
that

that was any way concerned in forming this ~~very~~ project.

The next matter we shall attend to, which was of great consequence to this nation, was that of a quite different nature from what has been just related, we mean the unhappy difference still subsisting in the Royal Family; the concern it had given to the Duke of *Devonshire* in particular has been already observed: For tho' his Grace had no lucrative office, yet he was the same man either in or out of place; in short, the Duke may in some respects be compared to the Moon, who serenely moves in her orb, pursuing an invariable tract, shedding, as she passes on, her kindly influence on the earth: So the Duke, on his part, serenely pursued his course, and furthered every thing in his power, that he thought would be of service to his King and country; and that led him to use his best endeavours, from time to time, in conjunction with my Lord *Cotoper*, and some other worthy Patriots, to bring about a reconciliation.

The beginning of this year matters were in so favourable a situation, as to give hopes that the reconciliation, so ardently wished and prayed for by all good subjects, was not far off: And therefore, the sooner to accomplish this important affair, several conferences were now held with the King's Ministers, and those that belonged to the Prince; the result of which were, from time to time, reported to each, and by degrees the steps that were taking met with the approbation both of his Majesty and his Royal Highness; insomuch that, at last, they were brought to this pass, that it was agreed one of the Prince's Chief Officers should attend at *St. James's*, to learn his Majesty's pleasure: And accordingly, by the advice of his Grace of *Devonshire*, the Prince, on the 23^d of *April*, sent Lord *Lumley*, one of the Lords of his Bed-chamber, for that purpose, where he received for
answer,

answer, that the King expected him immediately. Upon this, Mr. Secretary *Craggs* accompanied his Lordship to *Leicester-house*, to acquaint the Prince therewith, who instantly went to *St. James's*, where he found the Duke of *Devonshire*, and being introduced, was in private conference with his Royal Sire above half an hour, and at parting there visibly appeared reciprocal marks of filial duty from the son, as well as of paternal affection from the father. The Prince, on his return to *Leicester-house*, was, by the King's command, attended by a party as well of the Yeomen as of the Horse-Guards. In the evening her Royal Highness attended his Majesty, who received her very graciously, and at the same time expressed a high esteem and affection for her; and in the evening the foot began to mount guard at *Leicester-house*, in the same manner as had been the usual custom before this breach.

The next morning, being *Sunday* the 24th of *April*, the Duke of *Devonshire*, Earl *Cowper*, Lord *Townshend*, and some others, were admitted to kiss the King's hand, after which his Grace carried the Sword of State before the King to the Chapel Royal, who was accompanied by his Royal Highness the Prince of *Wales*; and at their return, the officers, as well as others belonging to the two Courts, congratulated each other upon this happy event; and, in short, the subjects in general every where expressed, by public rejoicings, their great joy and satisfaction at what had happened.

After this, the Parliament was prorogued; and on the 9th of *June* * the King declared in Council his design of visiting his *German* dominions, and named the Lords of the Regency to govern in his absence;

* On the 3d of *May*, Lord *James Cavendish*, one of his Grace's sons, died; and on the 23d *Philip Yorke*, Esq; the present Earl of *Hardwick*, was not only made Solicitor-General, but had the honour of Knighthood conferred on him.

among

among whom were his Grace of *Devonshire* and the Lord *Townshend*; and immediately afterwards set out for *Hanover*, from whence he returned in the month of *December* following.

On the eighth of that month the Parliament again met, when the House of Commons proceeded to enquire into the cause of the sudden rise and fall of the *South Sea* Stock; but before they came to any particular resolutions on that head, the year 1720 expired.

1721. On the fourth of *January*, Sir *Joseph Jekyll* brought in a Bill, to restrain the Governors and Directors of the *South Sea* Company, &c. from going out of the kingdom for the space of one year, and for discovering their estates and effects, and also for preventing the transporting or alienating the same. This Bill was not opposed; so that it had a quick passage thro' both Houses, and immediately received the Royal Assent.

The Duke of *Devonshire*, as well as some other Lords, complained, in the House of Peers, of the mismanagement of the *South Sea* Company; and one of those Lords in particular said, *That the estates of the criminals, whether Directors or not Directors, ought to be confiscated, to make good the public losses.* Earl *Cowper* was of the same opinion; but *Atterbury*, Bishop of *Rockester*, compared the *South Sea* project to a pestilence. After the debates were over, and the Lords had heard the Directors of the *South Sea* Company, as to what they had to say for themselves, they resolved that those Gentlemen had prevaricated with the House, in giving false representations of several matters of fact. But during these enquiries, many reflections were thrown out, as it was apprehended, against the Ministry, in respect to some transactions with the *South Sea* Company, which was highly resented by Earl *Stanbope*, who undertook to vindicate them from such aspersions.

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He spoke with great vehemence for some time; but finding himself at last suddenly taken with a violent head-ach, he went home, and was cupped, which eased him a little, but the next morning he died. The King was so sensibly touched with the news of his death, that he retired for several hours into his closet, to lament the loss of one who had faithfully served him. The Earl's post of Secretary was given to the Lord *Townshend*. A few days after my Lord's death, Mr. Secretary *Craggs* also died; so that, in the space of eleven days, *Great Britain* lost two able Ministers of State. As the latter was not a Peer, Mr. *Pope*, in an Epitaph which is affixed to Mr. *Craggs's* tomb, in *Westminster-Abbey*, says this of him :

“STATESMAN, yet friend to truth! of soul sincere,
In action faithful, and in honour clear;
Who broke no promise, serv'd no private end,
Who gain'd no title, nor who lost no friend;
Ennobled by himself, by all approv'd;
Prais'd, wept, and honour'd, by the Muse he lov'd.”

In short, the Parliament afterwards, by proper Acts, confiscated the greatest part of the *South Sea* Directors estates and effects, and ordered them to be sold, and applied towards making good the damages the Nation had sustained, thro' the wicked contrivances, not only of some of them, but their partisans.

1722. On the 7th of *March*, the business of the Session being over, the Parliament was prorogued, and soon after dissolved.

Soon after the dissolution of the Parliament, on the 19th of *April*, the Earl of *Sunderland* died. He was allowed to have been the ablest Minister of the age; but what highly reflected on him was, the violence of his temper, and the share he was thought to have had in the *South Sea* scheme.

On the 16th of *June* the immortal *John Duke of Marlborough* departed this life. Some account of his actions and character we have given in the life of

the first, as well as in this present Duke of Devonshire's*.

This year a Plot was discovered, which was formed against the King. In the beginning of the month of *May* his Majesty received the first news of it, from the Duke of *Orleans*; when several persons were taken into custody; among whom were, *Atterbury*, Bishop of *Rochester*, and Counsellor *Layser*, and both committed to the *Tower*.

On the 9th of *October* the Parliament assembled, when the King, in a long and pathetic Speech, laid before them the particulars of the conspiracy. Both Houses, in their Addresses, expressed great concern; and that in the most strong and dutiful terms, which seemed to flow from such who are deeply affected with melancholy news.

The next thing the House of Commons did, was that of bringing in a Bill to suspend the *Habeas Cor-*

* The monumental Inscription on the Pillar in the Park, before the Castle of *Blenheim*, enumerates some of the Duke's glorious feats, both in War as well as in Peace, and concludes thus:

“ These are the Actions of the Duke of *MARLBOROUGH*,
Performed in the compass of few Years,
Sufficient to adorn the Annals of Ages.

The Admiration of other Nations;
Will be conveyed to latest Posterity
In the Histories even of the Enemies of *BRITAIN*.
The Sense which the *BRITISH* Nation had
Of his transcendent Merit

Was expressed
In the most solemn, most effectual, most durable Manner.
The Acts of *PARLIAMENT* inscribed on this Pillar
Shall stand,

As long as the *BRITISH* Name and Language last,
Illustrious Monuments
Of *MARLBOROUGH*'s Glory

And
Of *BRITAIN*'s Gratitude.”

This year also died, *Charles*, Earl of *Tankerville*; and the famous *Dr. Lestrey*.

pus Ali, which met with great opposition in both Houses; yet this Bill, however, passed into a Law.

On the 21st of *November*, *Lacy* was tried at the *King's-Bench* Bar, for High Treason, found guilty, and afterwards executed at *Tyburn*.

1723. A Bill was, the beginning of this year, brought into Parliament, to banish the Bishop of *Rockester*; which, after it had passed the Commons, was sent to the Lords, where it met with a strong opposition; yet we do not find his Grace of *Devonshire* spoke either for or against the Bill. It is probable the Duke's silence on this occasion was owing to what he had learned concerning his father's behaviour, when the Bill to attain *Sir John Fenwick* was depending in the House of Lords; who, though he believed *Sir John* was guilty, yet he opposed the passing of that Bill, lest it should be made use of as a precedent in times to come, in order to cut off the innocent by way of revenge, to satisfy malicious and prejudiced party men: So, it is presumed, that instance of his Father's conduct might, in some measure, influence him so far, on this occasion, that notwithstanding it does not appear his Grace in particular opposed the passing this Banishing Bill, for reasons best known to himself, still his not acting in it indicates that he did not, in fact, approve of the method of proceeding. But on the other hand, it is plain, that his friend, *Earl Cowper*, in a speech, expressed his dislike of the Bill, and voted against it*,

* The truly honourable and brave Lieutenant-General *Oglethorpe* was one of those who voted, in the House of Commons, against passing this Banishing Bill. The reason he gave for it is so shrewd and uncommon, that we cannot forbear repeating it here. *It is plain (says he) the Pretender has none but a company of silly fellows about him, and therefore it is to be feared, if the Bishop, who is allowed to be a man of great parts, should be banished, he may be solicited and tempted to go to Rome, and there be in a capacity, by his advice, to do more mischief, than if he was suffered to stay in England, under the watchful eye of those in Power.*

as did several others ; yet it passed into a Law. By this Act, the learned tho' unfortunate Bishop was banished the Realm ; and in case he returned, it was enacted, that both him, and all those who corresponded with him, without a licence, should suffer death.

On the 10th of *October*, his Grace's friend, Earl *Cowper*, died, at his seat in *Hertfordshire* *.

His Majesty, on the 26th of *May*, declared to his Privy Council that some extraordinary affairs called him abroad this summer, and thereupon he nominated the Lords Justices for the administration of the affairs of the Government during his absence abroad ; among whom were his Grace of *Devonshire* and the Lord *Townsend* : After which his Majesty immediately set out, and arrived safe at *Hanover* the beginning of *June*, and returned to *Great Britain* on the 27th of *December* following.

1724. On the 9th of *January* the Parliament as-

* To sum up his Lordship's character : He was an accomplished Lawyer, Civilian, and Statesman ; and had a perfect knowledge not only in the Common but the Statute Laws, as well as the Constitution of his Country, besides being well versed in the Law of Nations, Imperial Institutes, and the Canon Law. He received from Nature, which he cultivated by polite Literature, excellent endowments that gave a lustre to his great learning ; he had also a bright, penetrating genius ; with an exact and sound judgment ; a fruitful imagination ; a manly and flowing eloquence, a clear, sonorous voice, a gracious aspect, an easy address, and, in a word, he had in him every thing that was necessary to form a compleat Orator ; and whoever considers the constant tenor of Lord *Cowper's* life and actions, will find him to be both a great and a good man.

His Lordship's son, *William*, now Earl *Cowper*, was married on the 27th of *June*, 1732, and by his Lady has issue, a son and daughter. His son is called Lord Viscount *Fordwich*.

This year the following persons died : Sir *Christopher Wren*, in the ninety-first year of his age. After the fire of *London*, he was constituted Surveyor General for rebuilding *St. Paul's*, which he lived to see finished. *Edward*, Earl of *Clarendon* ; Dr. *John Robinson*, Bishop of *London* ; Lord *Tenham* ; Lord *Barnard* ; Lord Chief Baron *Montague* ; and the Lord *Mansel*.

sembled.

sembled, and by the 14th of *April* went through the business of the Session. The Mutiny Bill met with the greatest opposition of any in its passage through both Houses. In that of the Lords there were many speeches *pro* and *con* before it passed into a Law; but it does not appear that his Grace of *Devonshire* particularly acted either for or against the Bill, other than that of voting for its passing.

On the 12th of *November* the Parliament was again held, but nothing of any consequence happened in either House during the remainder of this year*.

1725. On the 4th of *January* the Earl of *Macclesfield* resigned the Great Seal; when Sir *Joseph Jekyll*, *Jeffrey Gilbert*, Esq; and Sir *Robert Raymond*, were appointed Lords Commissioners for the custody of it; and on the 23d of *March* our most noble Duke was, a second time, preferred to the high Office of Lord President of his Majesty's Council.

Whilst the Lord *Macclesfield* was Chancellor, it was discovered that much of the Suitors money was misapplied, insomuch that some of the Officers, as it afterwards appeared, were unable to make good the sums committed to their trust by the Court: This drew on an enquiry; first before the King in Council, and next in the House of Commons; which occasioned an Impeachment against the Earl for High Crimes and Misdemeanors. Upon which he was tried at the Bar of the House of Lords, and found guilty by his Peers, whereof my Lord of *Devonshire* was one, and thereupon was fined 30,000*l*.

* This year died Sir *William Dawes*, Archbishop of *York*; and the famous Dr. *Sacheverel*. *Tindal* says, "That it does not appear that he was any way concerned in the Plot; and tho' he had taken the Oaths to the Government, his Will shewed he persevered to the end in the same sentiments; for amongst his legacies, it is said he left 500*l*. to the late unfortunate Bishop of *Rocheſter*."

which

which he paid; and the money was, by direction of his Majesty, applied towards making good the deficiencies occasioned by the late insolvency*.

A short Account of the RISE and PROGRESS

* As this Court is of so great consequence to the Property of the Subject, we make no doubt but the curious Reader will be rather pleased than offended at our introducing the following account (which we have drawn up as briefly as possible, as well as some others which we have at times before introduced, tho' of different natures, and not altogether strictly relative to the present undertaking) of the *Chancery*, as a Court of Equity, from its first origin till its firm establishment as such in the reign of King *James the first*, &c.

The learned *Camden* affirms, "*That the CHANCERY takes its name from the CHANCELLOR. In process of time (says he) much honour and authority was added to THIS OFFICE by several Acts of Parliament; especially since such a rigour and strictness had crept into the Common Law; and the pleading by niceties to a word, became so ensnaring, that a COURT of EQUITY was found necessary. This was committed to the CHANCELLOR, to judge according to the Rules of Equity, and to moderate the rigour of Justice, which often is oppression. There preside in this Court, the LORD CHANCELLOR of ENGLAND, and twelve MASTERS in CHANCERY as Assistants, the chief whereof is the KEEPER of the ROLLS belonging to that Court, and thence called MAGISTER ROTULORUM, or Master of the ROLLS.*"

The Author of the *Legal Judicature in Chancery* says, very justly, with regard to its being a Court of Equity, "*That our ancient Writers, such as Bracton, Britton, and Fleta, mention nothing of it under this character; nor indeed could they, as it then had not a being.*"

"The addition of matters of Equity, and the annexing a new Cognizance and Jurisdiction to the Court, did not destroy or change the frame or constitution of it; but he who was the sole Judge while it was a Court of Law only, continued so still, when Equity was added to it.

"It would be needless to tire the Reader with additional authorities, or the opinions of other learned men, on this head, since it is unquestionably certain, from the *Rolls of Parliament* in the time of *Richard II.* and other publick Acts, that the *Chancellor* had then jurisdiction in matters of Equity; or it could not then be carried to such a height as to occasion complaint in Parliament, if it had not had some beginnings or continuance before.

The Author, however, says, "He will not affirm, that the
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Soon after an Act passed, for the relief of the Sutors of the Court of Chancery; so that by this and other Acts, and some salutary orders made by

of the HIGH COURT of CHANCERY.

the Chancellor's jurisdiction of Equity began so late as the 22d of Edward III. From the intimations in books, he inclines to place its commencement earlier in that reign, as the most probable time he can fix on, for any thing that looks like an establishment. He adds, that in all likelihood the Chancellor's jurisdiction in Equity took its publick authoritative rise from a Writ, or Proclamation, which he has transcribed and inserted in his work, from the original words on the Roll."

Another Author says, he cannot find any traces of a Court of Equity in Chancery in the time of Edward II; and, therefore, he seems inclined to think, that the Equity-side in this Court began in the reign of Edward III*.

In the *Treatise on the Chancery*, inscribed to the great and learned Lord Ellesmere, (cited by the Author) it is said, *that the JUDGE of this Court is the Lord Chancellor ONLY.*

Sir John Davis, (a Lawyer of great abilities) in the Preface to his Reports (addressed to the said Lord Ellesmere) writes, *That the Lord Chancellor is the SOLE Judge in the High Court of Chancery, where he has an ABSOLUTE, as well as DELEGATED power; and decides causes by the rules of HIS OWN conscience.*

Sir Henry Spelman, on this subject, says, *That though it may seem grievous, that in this Court by ONE MAN'S DECREES the fortunes of all men should be determined, yet this was according to the custom of other nations; but both there and here (adds he) it is a laudable custom, in difficult cases, to have the assistance of the Judges of other Tribunals.*

Mr. Lambard, in his *Archaion*, speaks of no other Judge in Equity but the Chancellor, and calls the Court, *his Court of Equity*. This Court is said to be *always open*, and to have no Record, because his Judgments be in *his own breast*, not tied to any preceding Records; neither does he try any issue, because he may examine both parties and witnesses upon oath.

According to Dr. Brady †, the CHANCELLOR had no Causes

* Some imagine the Courts of Chancery and King's-Bench were fixed at Westminster Hall (prout 10 Co. 73.) at one time, viz. 4 Edw. III. which seems a mistake; for A. 8. of that reign it was enacted, That the King's-Bench should stay in Warwickshire after Easter next, because Geoffrey le Scoep, the Chief Justice, is

very busy in the King's weighty affairs; to supply whose place, Sir Richard Willoughby is appointed, and Sir William Shorshall is assigned with him, as one of the Justices of the King's-Bench. Prynne's Coll. 16.

† Brady's Hist. of England, 153. 1 Lev. 291.

pleaded

that Court, which have been confirmed by a Law made for that purpose, all the deficiencies have been made good to the Suitors of the Court; and now

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pleaded before him till the Reign of Edward III; and he adds, "That there are no Decrees to be found in Chancery before the 20th of Henry VI."

"After this time the Court grew into esteem, and more business, by the intestine broils which soon followed between the contending Houses of York and Lancaster. The Partisans of each knew their Estates would certainly fall a prey to the prevailing side: The unfortunate were sure to be treated as *Rebels and Traitors*: Many, therefore, put their *Lands secretly into Use**, to secure them against the dubious event of War. Hence ensued *Frauds and Breaches of Trust*, and consequently *Suits for Relief*."

From this time the Jurisdiction of Equity went smoothly on in the Court of *Chancery*, and, as Sir *Edward Coke* observes, greatly increased under Cardinal *Wolsey*. It was about the 8th of *Henry VIII.* he became *Chancellor*, who supported the Dignity of the Court, and obtained for it new Privileges, beyond what it enjoyed in the time of his Predecessors, and often set aside Judgments given at *Common Law*. This was so highly resented, that, upon his Fall, his enemies made use of this, among other matters, as one part of the Charge against him, upon his being impeached of High Treason†. From that period, down to the *Lord Chancellor Egerton's* time, there

* They conveyed their lands to their friends in trust, to be returned when the war was over, which some of them refusing, Bills were filed for the discovery of the trust, and to compel them to restore the lands to the right owners, which they were at times decreed so to do.

† The XXth *Article of Wolsey's* Impeachment runs, "That he examined divers and many matters in the *Chancery*, after Judgment given thereof by common Law; and made some persons restore again to the other party condemned, what they had in execution, by virtue of the judgment at common Law."

ANSWER.

That is, in fact, he did what properly belonged to his office as Chancellor.

Article XXI. "That he had granted many injunctions by writ, and the parties never called thereunto, nor Bill put in against them, by reason whereof, divers of your subjects have been put from the lawful possession of their lands and tenements; and by such means, he has brought the greater part of the suitors of the realm before himself."

ANSWER.

If this was really the case the Court must have been imposed upon; for the course is, there must be produced a certificate of the Bill being filed, and then in special matters, as to staying waste, &c. Injunctions, I believe, have been granted, before the Defendant was served with process to answer.

These

the money and effects deposited there are as well secured, and taken care of, for their benefits, as any can possibly be in the world.

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there were frequent complaints of the Proceedings in *Chancery*, as incroaching and breaking in upon the Jurisdiction of the *Common Law*.

We find in the last day of *Hilary Term*, A. 1615, two *Indiements* were preferred of *Præmunire*, for suing in *Chancery*, after Judgment had passed in Common Law; the one by *Richard Glanville*, and the other by *William Allen*.

Sir *Francis Bacon*, then Attorney-General, in a letter to the King, says: "As to the Cases themselves, it were too long to trouble his Majesty with; but this he could affirm, that if they who preferred these *Indiements* were set on, they were the worst *marksmen* that ever were, who set them on; for there could not have been selected two such causes for the honour and advantage of the *Chancery*; both with regard to the justness of the *Decrees*, and the foulness and scandal both of facts as well as the persons who impeached the *Decrees*. The *Grand-Jury*, consisting of very substantial and intelligent persons, threw out the *Bills*, notwithstanding the clamour of the parties; and though they were sent back by the Court, yet seventeen out of nineteen resolutely found the *Bills*, *Ignoramus*."

The same Sir *Francis Bacon* ascribed this attack upon the *Chancery*, principally to the Lord Chief Justice *Coke*; and in his letter to the King, calls it "a great and public affront, not only to the reverend and well-deserving person, who was then Chancellor, but to the *High Court* of *Chancery* itself."

Soon after this important Dispute, with regard to the Jurisdiction of the *Chancery*, was publicly enquired into, and brought to a solemn Hearing before his Majesty, who, in July, 1616, was pleased to declare:

"That the STATUTES of 27 Edw. III, and 4 Hen. IV. did not extend to the CHANCERY."

So ended this part of the controversy; since which time, the Jurisdiction and Authority of this *High* and *Honourable Court* has never been publicly questioned or attacked.

There remains yet an Authority, of still greater weight, and that is the Judgment of the *House of Commons*. Their Ac-

These Articles of Impeachment against *Wolsey*, as well as some others, were signed and patronized by that good man *More*, (as some Protestant Writers are pleased to stile him) who succeeded *Wolsey* in the

office of Chancellor: The injustice of these, as well as many other charges, are so notoriously known, that they need not to be here any farther animadverted upon.

* O cufation,

On the 21st of *June*, Sir *Peter King*, being created a Peer of *Great Britain*, the Great Seal was delivered to him, with the title of Lord High Chancellor.

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cufation, or Impeachment, of the Lord Viscount *St. Albans*, Chancellor of *England*, was delivered to the Lords at a Conference, *May 19, 1620*; and the day following the Lord Treasurer reported the Conference to the Lords; at which, (says his Lordship) "was delivered the Desire of the Commons, to inform their Lordships of the great Abuses in the Courts of Justice. The Information consisted of three parts. 1. *Of the Persons accused.* 2. *The Matters objected.* 3. *The Proof.* The Persons were, the Lord Chancellor, and Dr. *Field*, afterwards Bishop of *Llandaff*. The Commons highly commended the Chancellor's good parts, magnified his Place, from whence *Bounty, Justice, and Mercy* were to be distributed, with which he was solely intrusted; whither all great Causes were drawn, and from whence no Appeal lay for any Injustice done, but to the Parliament."

King *James I.* acknowledged from the Throne, "that he knew of no other Judge there but the Chancellor;" and withal added, "*That the CHANCERY is only under me, My CHANCELLOR will bear me witness I never gave him any warrant but to GO ON in his COURT according to Precedents warranted by Law, in the times of the best governing Kings, and the most learned Chancellors. These were the limits I gave HIM, and beyond the same HE HAS PROMISED ME HE WILL NEVER GO.*"

"The Lord Chancellor (which of course includes that of Lord Keeper, as well as the Lords Commissioners of the Great Seal) besides the natural faculties and powers of his mind, which he ought to have in great perfection, must be furnished with all learning that hath any relation to the public good; Divinity, Law, Policy, Morality, and especially Eloquence to impart and communicate all the rest. He must withal have a long and universal experience in all the affairs of the Commonwealth; he must be accomplished and absolute in all points of gravity, constancy, wisdom, temperance, justice, piety, integrity, and all other virtues fit for magistracy and government; yet so as the same be seasoned and tempered with affability, gentleness, humanity, courtesy, howbeit without descending or diminishing himself, but still retaining his dignity, state, and honour; briefly, he must be a person of such virtue and worthiness, as his life may be without censure, and his example a mirror, for all other magistrates."

These are the excellencies that some of our learned Lawyers
say

A Petition was, this session of Parliament, presented to the House of Commons, on the behalf of *St. John Lord Bolingbroke*, with his Majesty's appro-

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say a Chancellor, &c. should be adorned with; and so is, indeed, the present Right Honourable Personage who has now the Custody of the Great Seal of *Great Britain*.

The above Earl of *Macclesfield* was, by the grace and favour of his late Majesty King *George* the first, appointed Lord Chancellor of *Great Britain*, and had the Great Seal delivered to him, after which he was sworn before his Majesty in Council, when the following Oath, being the usual Oath taken by a Lord Chancellor, was administered to him:

“ You shall swear, that you shall well and truly serve our Sovereign Lord the King and his People in the Office of Lord Chancellor of *Great Britain*, and you shall do right to all manner of people, poor and rich, after the Laws and Usages of this Realm; and truly you shall counsel the King, and his counsel you shall keep; and you shall not know nor suffer the hurt or disheriting the King, or that the Right of the Crown be decreased by any means, so far forth as you may let; and if you may not let it, you shall make it clearly and expressly known to the King, with your true advice and counsel; and that you shall do and purchase the King's profit in all you may; all which you shall do to the best of your skill and knowledge,

“ As God shall help you *.”

The Lord Chancellor has no Grant or Patent for his Office, nor need he any; for the person to whom this Office is committed has the keeping of the Great Seal in his own hands.

The form of ordaining a Chancellor was, in the time of King *Henry* the second, by hanging the Great Seal of *England* about his neck.

Sometimes, and for the most part, the Chancellors were elected by the King *durante bene placito*, and put into the power of his office, by the delivery of the Great Seal.

There were three several Patents granted to *Ralph Nevill*, in the reign of *Henry* III, two whereof were to ordain him Chancellor, and the third for the Custody of the Seal, which are now among the Records in the *Tower*.

Afterwards, *Henry* III, being offended at *Nevill's* proceedings, demanded the Seal, which the other refused to deliver: And the same King was told, by the Lords Spiritual and

* See Lord *Macclesfield's* trial, and see the Earl's case stated in his life, which may be published one time or other.

bation. Upon this a Bill was ordered to be brought in, to repeal the Act of Attainder, which, after some opposition in both Houses; passed into a Law, by receiving the Royal Assent on the 31st of May; and soon after the Parliament was prorogued.

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Temporal, That of antient time the Election and Disposition of the Chief Justice, Chancellor, and Treasurer, belonged to the Parliament; and Nevill remained Chancellor.*

This Seal is called *the Great Seal of Great Britain*, and consequently it implies, that the Seal is for the equal benefit of the King and his people.

The *Custos Magni Sigilli* is called Chancellor of England by the Act of 7 Hen. VI. cap. 14. And if a man slay the Chancellor, being in his Place doing his Office, it is High Treason by the Statute 25 Edw. III. cap. 2.

The Lord High Chancellor is stiled *the Keeper of the King's Conscience*, and is at this day considered in two lights; the one in his Judicial, and the other in his Political Capacity.

First, "If we seriously reflect (says a learned Gentleman) on the vast extension of his present Jurisdiction, and that the properties of all the people of England are, in some measure, under his direction, through the great variety of causes that daily come before him, it must be owned, that it certainly requires a Judge not only of an uncorrupted probity, &c. but that of the closest attention for the public good. This Court, indeed, may be justly said to be the only Civil one, where the subjects properties are submitted to the determination of the Lord Chancellor, without the assistance of any other Judge, from whence there is no appeal, save to the House of Peers."

Now as to the second; the Chancellor is esteemed the second Person in the Kingdom next to the Royal Family, and has a right, in virtue of his high Office, to repair to all Coun-

* In Henry III's time the Chancellor was elected by the Nobility. In H. VI. and E. IV. they were created out of the Nobility. In Rich. II. they were ennobled after their advancement. In H. IV. they were Sons of Noblemen and Princes children. In John's, they were either Archbishops or Clerks. In E. III. H. VII. and H. VIII. Cardinals were Chancellors. In E. III. Lord Chief Justices have been intrusted with the the Seals. In H. III. men cunning in the custom of the Chah-

cery have been made Chancellors. Men learned in the Civil and Canon Law have also been made Chancellors. In E. III's time Masters of the Rolls have been Chancellors. In E. I's time the Keeper of the Wardrobe had the custody of the Seal. In Rich. II. &c. the same person has been twice Chancellor, (Lord Cresser was also twice Lord High Chancellor;) in one reign there were three Chancellors in one year; at another time there was a Chancellor who held other places.

The King went, in June, this year, to *Hanover*, when his Grace of *Devonshire*; and others, were appointed Lords Justices in his absence. His Majesty returned to *Great Britain* in good health, on the ninth of *January* following.

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tils uncalled; and his advice also should, or at least ought to have a great weight at the Council-table, when important affairs are under consideration, especially as no Grant, Patent; or Treaty can be valid until it is sealed with the Great Seal, in whose custody it always is; for the moment it is taken from him, he ceases to be Chancellor; and, in short, the Chancellor is in some sort accountable to the Parliament for those he signs, though he has a Warrant for that purpose: Witness the case of the late Lord *Somers*, &c.

“The Chancellor does indeed (says the Author of *The Examiner examined*) nominate to all Promotions in the gift of the Crown, valued at 20*l.* or under, in the King’s Books: But it is as true:

“1. That in ancient times, when that Grant was made, the Chancellors were generally ecclesiastical persons, and, as such, proper judges of the qualifications of candidates; but if the Chancellor presents a Clerk who is immoral, or insufficient in point of learning, the Bishop of the Diocese has, by Law, the same right to refuse him, that he has to refuse the Clerk nominated by any private person.

“2. That the Record of Parliament, which recognizes the Right (4 *Edw.* III.) especially mentions the end for which the Grant was given by the Crown, viz. to enable the Chancellor to provide for the Clerks of the Chancery, and other Courts, who in those days were Persons in *Holy Orders*; and accordingly the Direction, even in the Record, is, that the Chancellor give such Benefices to the King’s Clerks of the Chancery, *Exchequer*, and both Benches, and not to other persons.”

We shall conclude this Note, from Bishop *Burnet’s History of his own Times*, p. 385. who gives us to understand, “That ever since King *James* the first’s Reign, Petitions of Appeals were brought to the House of Lords from Decrees in Chancery. This arose from a Parity of Reason, because Writs of Error lay from the Courts of Law to the House of Lords; and since the business of the Chancery grew to be so extended and comprehensive, it was not thought safe to leave it to the Lord Chancellor’s conscience only; so this practice, tho’ so lately begun, grew on by degrees to be the main business of the House of Lords.”

1726. The Parliament assembled on the 20th of *January* this year, and readily granted such supplies as were then asked for.

But news afterwards arriving of some sinister designs of the Emperor and *Spain* against *Great Britain*, his Majesty thought it necessary, for the public service, to fit out a stronger fleet than was first intended, and, consequently, this year's expences would be greatly increased; which induced the King to send a Message to the Commons for a farther supply, who, after a few hours debate, resolved to grant what was desired. This Message was taken notice of in the House of Lords, when Lord *Strafford* endeavoured to shew, *That the not sending the like to them was unprecedented, and struck at their ancient privileges. We are (says he) the grand standing Council of the Sovereign, and the hereditary Guardians of the liberties and properties of the people, and, next the King, the principal part of the Legislature; and therefore we have a right to be consulted in all matters of public concern:* And he at last moved, *That an Address be presented to his Majesty, to know who advised him not to send the same Message to the Peers, as had been sent to the Commons.*

Lord *Trevor* objected to this motion, and at the same time moved, that the consideration of it should be adjourned for one month. His Grace of *Devonshire* said, "He looked on Lord *Strafford's* as a very improper motion, and therefore seconded Lord *Trevor's*;" which, upon putting the question, was carried in the affirmative, fifty-nine against thirty-one.

After this resolution, the House concurred with the Commons to grant the farther supply demanded: And then, as the business of the session was over, the King prorogued the Parliament.

1727. His Majesty thought proper to visit his *German* dominions this year; but before he set out, he again appointed his Grace of *Devonshire*, with several

veral other Lords, Regents of the kingdom, to take care of the affairs of the government during his absence abroad.

The King, on the third of *June*, embarked on board a yacht, and landed on the 7th in *Holland*, where he lay that night. The next day he proceeded on his journey, and lodged at *Delden*. The following day his Majesty found himself so ill upon the road, that he desired his attendants to hasten to *Osna-brug*, where he arrived on the 10th of *June*, about nine in the evening, and was immediately carried to bed; but on the 11th, very early in the morning, he departed this life, in the sixty-eighth year of his age.

As his Majesty died this year, and was not long survived by the Duke of *Devonshire*, we shall here attempt, in pursuance of the plan we have laid down, to draw a short character of that amiable Prince: And this we shall do with the greater pleasure, as there appears a striking resemblance, in some of the essential particulars, between the King and the noble Lord whose life we are now writing.

King *George I*, as every one knows, was a great and respectable Prince before he ascended the Throne of *Great Britain*. As to the *German* Dominions he inherited from his ancestors, and to which he had made large accessions, tho' he had an absolute power over them, yet such was his natural inclination to justice, and tender regard for the rights of mankind, that he indulged those liberties to a people, which pleaded no other claim to them but the mere goodness of their Sovereign. It can scarce be supposed that a Prince of this disposition should have the least thought of despotism in a Constitution circumscribed by Law. Whoever had the happiness of being under his Government, found, by experience, that he desired no power, but what enabled him to promote the general welfare of his subjects. During his whole

whole reign he inflexibly pursued those measures which appeared the most equitable, and best conducing to the national interest; and as no Prince had a greater share of prudence, so we read of none who was more remarkable for his steadiness in accomplishing what he had once concerted. To this uniformity and firmness of mind, which appeared in all his proceedings, the success that attended him was chiefly owing. As to his more private virtues, he was of a grave, easy, and calm temper; the sweetness and serenity of his mind discovered themselves in his countenance, and captivated the love and veneration of all that approached him; he was generous on all occasions, and merciful even to his enemies; a cordial friend to religion, liberty, and virtue. In short, no Prince had ever a cooler head, or a warmer heart: None ever governed his people with more wisdom, nor had a more cordial affection for his subjects in general.

The unexpected account of his Majesty's death was made known to the Prince, on the 13th of June, as he was walking with the Princess in his garden at *Richmond*. Whereupon our new Sovereign instantly repaired to *Leicester-house*, where he found assembled such Lords of the Privy Council who were then in *London*, with others, signing a Proclamation for proclaiming him as such; to the former he made a speech, which was afterwards published.

On the 14th of June, about ten in the morning, his Majesty was proclaimed King, first before *Leicester-house*, and then in other places, both in *London* and *Westminster*, with the usual ceremony, and so in like manner he was afterwards proclaimed throughout all his other Dominions.

His Grace of *Devonshire* was now at his charming seat in *Derbyshire*, so that the express could not reach him time enough to be at the proclamation; but the same evening he arrived at *Leicester-house*, where

where he paid his duty to his Sovereign, and met with a most gracious reception, was directly sworn one of his Majesty's Privy Council, and was continued in all the places he enjoyed under his late Royal Master; and it soon appeared his Grace had the same influence in the Council, as he had at the death of King *George* the First.

On the 15th of *June* the Parliament met, and was prorogued to the 27th. At their meeting on that day, the King's Speech to them was such, as gave them an early omen of that paternal care of his people, he after, upon every occasion, shewed for their happiness and welfare.

On the 29th, the House of Commons came to an unanimous resolution in respect to settling the Civil List, and making an ample provision for the Queen, all which his Majesty, at the close of the Session, in a Speech to both Houses, acknowledged, and heartily thanked them for what they had granted, and then the Parliament was prorogued, and afterwards dissolved, and a new one ordered to be called. And thus concluded the year 1727*.

1728. On the 23d of *January* a new Parliament assembled at *Westminster*, when the truly honourable and worthy *Arthur Onslow*, Esq; was unanimously chosen Speaker. Hereupon Mr. *Onslow*, when he was presented by the House of Commons to the King, in a very handsome Speech, modestly endeavoured to disqualify himself, but his excuses

* This year died the Rev. Mr. *Spinckes*. He had no wealth, few enemies, and many friends; he had great learning, joined with a superior judgment; and his exemplary life was concluded with a happy and desirable death. On the first of *April* died the learned Dr. *James Welwood*. And also on the 18th of *June*, Lord *Lechmere*, a great Lawyer, as well as a bold and strenuous stickler for the Protestant Succession; but what sullied his bright parts was his haughty and assuming temper, which made him very vindictive, and that rendered him disagreeable to the very Ministers, with whom he otherwise agreed in principle.

were not admitted of ; on the contrary, his Majesty expressed himself highly pleased at their having elected so public spirited a Gentleman. In short, his conduct has since fully justified their choice, by a long series of faithful services to his King and country ; and it may with truth be affirmed, no one ever filled the Chair with greater grace, honour, and dignity, or was better respected by all parties during the time he held this important office.

The business of this last session was carried thro' with remarkable dispatch, insomuch that at the close of it, on the 14th of *May*, his Majesty, in a speech, greatly extolled the wisdom and patriotism of his Parliament.

This year the Duke was appointed one of the Governors of the *Charter-house*, in the room of his Majesty, who was one of them, when Prince of *Wales*.

The King, before the Parliament was prorogued, acquainted them of his intention to visit his *German* dominions this summer, which he accordingly did, and left the Queen Regent during his absence ; who behaved so graciously to his people, that her Majesty's administration was both approved of and commended by all parties.

1729. This was the last year of his Grace's life ; but as to what related to the Parliament which assembled on the 13th of *January*, in respect to their proceedings, seeing it does not appear that the Duke was at the House of Peers during the session, we shall pass those matters over, and attend to that which chiefly concerns the present undertaking.

In the month of *May* the Duke was taken very ill, and continued so till the fourth of *June*, when he quitted this mortal life for a better, with great composure and resignation, at his house in *Piccadilly* ; and, in a word, as he was universally beloved and esteemed whilst living, so his death was as generally lamented.

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lamented. His remains were buried in *Allballow's* Church at *Derby**.

His Grace's actions in private life have been already given us in a masterly piece, which renders it needless here to particularly enumerate them, seeing the Reader will find them, as well as his public character, elegantly depicted in the following relation; and therefore, without any farther ceremony, we shall here introduce it, as follows :

“ When I form to myself (says a learned Gentleman) a true idea of the deceased *William* Duke of *Devonshire*, methinks I see one, who by birth had a rank among the first Princes of his country; descended from an ancient and illustrious stock of real heroes and experienced good Patriots; and who, if his fortune was not equal to some Sovereigns, was however superior to those of most subjects. When I look back, and view him in the first stages of his life, setting out in the world environed with the allurements and snares of grandeur, wealth, and power; which often to most young minds prove an *ignis fatuus*, yet were unable to draw him off from the paths of that steady virtue, which so early and conspicuously shone out in him: Who could, I say, behold such a person, and not pronounce him a promising blessing to his country and mankind ?

“ But when I look on him afterwards, as having finished the most accurate courses of school learning and a liberal education; and now great in the Senate, and at the head of the Council; in this

* On the 3d of *August* died at *Osnabrug*, his Royal Highness *Ernest Augustus*, Duke of *York*, &c. in the fifty-fourth year of his age. His clemency, beneficence, good-nature, charity, and other *Christian* virtues, made him equally beloved by his *Roman Catholic*, as well as *Protestant*, subjects; so that his death was universally lamented. And this year died the Earl of *Lincoln*, who married the Lady *Lucy*, sister of the present Duke of *Newcastle*. He was a Nobleman extremely well beloved, and a steady friend to the *Protestant Succession*.

view, at once, might have been seen both the Patriot and fine Gentleman: Since all who had the honour to know him, must acknowledge, that the power he had by birth-right was never employed but in the real service of his country. For, as the opulency of his fortune removed him far from the suspicion of looking on a bribe, but with an eye of disdain; so did the magnanimity of his soul, from all shadow of corruption. Loyalty to his Prince he held as a maxim; but fidelity to his country was his constant practice. For, as he esteemed liberty the most precious of all jewels; so tyranny, in any shape, was his greatest abhorrence; this latter he early learnt from his father's example.

"From the wise views he had to a state of futurity, he was early convinced that honours and riches, when applied to wrong uses, are only remarkable curses to those who possess them: So that virtue became his delight, because of its beauty; and wisdom his choice, because he found it amiable.

"Charity, that great duty and ornament of a Christian, he wisely distinguished into two different lights; the one to the body, the other to the mind. What regarded the first, can well be attested by those who were most intimately acquainted with his actions, that the case of the indigent never came before him, in any shape, unregarded; or the groans of the fatherless and widow, without compassion and relief. At the misfortunes of his fellow creatures, he was touched with a fellow-feeling: And good Providence, as if in part it was to reward his humanity, indulged him before his death with an opportunity of giving his helping hand for making the best laws that ever were enacted, for the relief of the oppressed and distressed in this country.

"To insist on other particular instances of his benign disposition and humanity to mankind, are too many for the small compass of this piece. Let us then

then see what he has done with regard to that second kind of charity I mentioned; namely; that to the mind: By which I understand the advances made by him for propagating knowledge, virtue, politeness, and a good taste in the world: In which glorious light is his name rendered immortal, as his memory will be dear to the virtuous and learned, not only of this, but all future ages.

“ If, in the first place, we behold his industry in collecting the noble materials, which rear up the grand structure of knowledge and erudition among men; in this, we see plainly, he greatly excelled: Witness the elegant and well-chosen library, collected by himself; in which are to be found all the treasures of learning, of which *Greece, Rome*, or the other most polite nations of the earth could boast. Nothing gaudy, superfluous, or pompous to the eye there; but of every faculty, art or science, what was useful, curious, instructive, and rare. Not laid out for figure, and empty shew or ostentation; as some do, to conceal, by that artifice, their real ignorance. No: Well is it known to those conversant in books and things of good taste, that not only were the inside of those volumes, but the value and use of every other branch of curiosity and erudition, within that noble Musæum, well understood by its judicious and learned proprietor.

“ If, again, we observe the vast collections which that great man has made, and selected by his own choice, of the monuments of antiquity of almost every Nation; what an inexhaustible fund of knowledge has he left behind him? What series of the rarest and most curious Medallions and Medals, of all metals, in exquisite order, are to be seen in his cabinet; which for value, use, and choice, equals, if not surpasses that of the greatest Sovereigns on earth? For, were the histories and transactions of the remote ages and countries of the world to be
searched

searched into, and illustrated to posterity; 'tis certain, without consulting this treasure of his Grace, the work must be imperfect. To this great source must the students of antiquity have recourse for light and knowledge, as to whatever regards the history, religion, customs, science, and actions of the ancients. It is true, great Princes elsewhere have great collections of this kind; and others truly valuable are likewise here in *Britain*: Yet such jewels of erudition are in the *Devonshire* cabinet, as can no where else be seen, but there. If then such a legacy as this to the learned, is not charity to the mind; what else is there great and valuable among mankind?

“ Was, moreover, Nature, in her most lovely and perfect attire, to be viewed by men of genius and taste; where symmetry, elegance, and expression conspire for her illustration: Look on his antique gems; what majesty! beauty! and harmony are in the human figures there! What groups of perfect nature may be seen, impressed with various characters and attitudes! representing a whole history on the little precious stone: Some swelling in majestic relief, on the oriental Onyx and Sardonyx; others, incusely engraved on the beautiful Cornelian, the portraits and real resemblance of the famous Poets, Historians, Philosophers there to be seen; where the Virtues, the Graces, the Divinities of old, are all in perfect representation handed down by these arts, for posterity to behold. These were the collections of this great good Lord; by which he has left such materials for knowledge and the improvement of arts in this his native country, as may in time (with an encouragement suitable) make the ingenious and studious in *Britain* rival in science perhaps *Athens* and *Rome*. What a legacy this is to his country, and a benefit to posterity, let the world, especially the more ingenious and curious part of mankind judge!

“ If,

"If, again, the same Nature is to be seen illustrated in her beauty and perfection by Sculpture's sister science, Painting; what Pieces of Perfection of this art are within his walls? No ludicrous subject of low life and taste admitted there: Such performances I mean, as if the Painter's design had been to expose the defects, or ridicule Nature. No masters less than a *Raphael*, *Titian*, a *Guido*, *Paulo*, a *Domenichino*, a *Correggio*, a *Claudio*, or *Poussine*, are to be seen in his noble collection.

"As for that other branch of valuable art, and which is the parent and soul of painting, I mean original Drawings of the best Masters and Schools; such a treasure of this kind has his Grace left behind him, as cannot be equalled in number, preservation and beauty, by perhaps all the others of this sort on the habitable Globe. Well then may *Britain* now exult, above any other *European* Nation out of *Italy*, that whereas the latter has for some ages past made a monopoly of arts, by such collections as those of his Grace, what can only form perfection therein, must now be studied here. Exult, I say, we might, was not the loss of the great author of this our advantage now by death removed from us: Whose encouragement for the Sciences and Arts was not confined to *Italy* alone, since whatever was praise-worthy in his own country was sure of his countenance; so that all the first-fruits of the *British* genii were ever laid at his feet, which, till approved by his Grace, could not with security appear in the world. Nor was it an ignoble emulation, to see the ingenious and learned striving with each other, who should most be intitled to his patronage and favour. No useful or ingenious attempt went out of his house neglected and unregarded, or rendered abortive for want of his encouragement: Nor were the scholar's precious moments suffered cruelly to be consumed in waiting and attendance in his anti-chambers, for virtue, wit,

and

and genius, had of any the easiest and readiest access and admittance into his presence: Whose mansion was not a rendezvous for the assemblies of foppery, or a receptacle for gaudy trappings and embroidered emptinesses, skilled only in *Quadrille* and *Mattadores*; since none were admitted to partake of the elegant, refined, and sublime joys and pleasures of his house, (as indeed, none were capable,) but the ingenious, the learned, the sober, the wise, or, in one word, those whose study in life it was to improve and adorn every virtue! Such were the palaces of the Dukes of *Ferrara* and *Urbino*; from which source of fine taste and erudition, and sure sanctuary or asylum to the learned, sprung all the boast of *Italy*, the pride and glory of latter ages*.

“For my own share, never had I access within those walls, but I felt, from the beauties around me, a certain joy not to be expressed: For wherever I cast my eye, all was still harmony and elegance, beauty and symmetry; as every thing I heard, improving and instructive. Nor indeed were these external beauties any thing else, but a true emblem and representation of that harmony and sweetness lodged in the soul of the great possessor: The ornaments of whose house, either in town or country, not purchased at the expence of impoverishing his family, or by withdrawing his charity from the distressed and needy, as many do out of pride and ostentation, or the vanity of getting a name, which for such crimes alone must very soon perish. No! far was it from this: For, what was laid out for *Science* and *Knowledge*, was solely at the expence of impoverishing luxury; that great wealth he had, not being consumed (as too many of birth and fortune do) in riot

* And such also would have been the Palace of our immortal *Wolsey*, above two centuries since, had not all his grand Collections been seized on and confiscated to the use of his rapacious and ungrateful Master.

and excess; who in spite of humanity, and the remorse of conscience, squander away their riches in new inventions of voluptuousness, lewdness, epicurism, and midnight revelling; amidst scenes of low life and debauchery, and still poorer and lower conversation; without having made one effort for improving themselves in any branch of knowledge and virtue, or given encouragement to others who make them their study and practice: deaf to the cries of the poor and oppressed, and hardened to the miseries of their fellow-creatures! When I consider such embroidered fops, and their wealth, honours, and pomp expiring with their breath; the *axe laid to the root of the tree*, and the barren productions, by Providence, *suffered no longer to encumber the earth*; when, I say, I consider those poor unhappy wretches, and compare them, as set in opposition to that pattern of politeness and fine taste of all virtue and elegance, I have been here describing; what a contrast is here! such a mirror, as in it, too many, now-a-days (could they see) might behold their own true and genuine deformity.

“ But now the glory and boast of *Britain* is fallen! *Devonshire*, the great, the wise, the just, *with us is no more!* Yet why, with gushing tears of solid grief, do the distressed, the needy, the sons of Virtue and the Muses thus mourn? Why his offspring lament him as the best of fathers? his acquaintance as the best of friends? his country as the best of Patriots? Gone he is not! but transplanted to those happier regions, where endless joy will reward his goodness; to that state of glory and immortality, on which long had his eye been fixed, and soul ripened for the grand flight! Farewel, then, blessed spirit! Great is now thy exchange! and great thy felicity and glory!”

Now let us observe what a late writer tells us:

“ This Nobleman, (says he,) requires no character
 • Q of

of him to be drawn, as the great strokes of it have been given in that of his father, whom he resembled in every respect, excepting that, thro' the happy alteration of the times, his virtues were not so severely tried."

We think, as to what this writer has here said, we have in the foregoing character sufficiently evinced his mistake; besides, tho' both the characters of the father and son have something very amiable in them, yet the judicious Reader will easily perceive, on comparing both, that there is a real difference. And as to what the same writer subjoins, *that his virtues were not so severely tried*, surely he must have forgot the transactions of the last four years of the late Queen's reign, when every one, acquainted with those times, must acknowledge, that there was not a Nobleman in the three kingdoms who had more occasion to exercise his virtues, nor exerted them with more steadiness and integrity in the service of his country, whose constitution might otherwise have received a deadly wound.

Dr. Kennet observed, in his Funeral Sermon on the death of the first Duke (as before remarked,) *"That he left a most worthy heir of his titles and estates, endowed with singular judgment and fidelity."* What the Preacher said, on this occasion, was not a mere panegyric, but strictly verified by the event, as the whole tenor of this Duke's life sufficiently proves.

His Grace married the Lady Rachel, daughter of William Lord Russell, and sister to Wriothefly Duke of Bedford; a match the more agreeable for his father, on account of his friendship to her's. She died on the 28th of December, 1725, and had issue four sons and six daughters. The sons were, first, William, who succeeded his father in his estate and honours; second, Lord James Cavendish, who was appointed Colonel and Captain of a company in the third regiment

ment of Foot Guards, in 1730. He was afterwards preferred to the command of a regiment of horse; and when he died, *December 4, 1741*, he was Member of Parliament for *Malton*; third, Lord *Charles*, elected *April 15, 1725*, Member of Parliament for *Heytesbury*, in *Wiltshire*; and was chosen one of the Members for *Westminster* in 1727. The year following, he was made one of the Gentlemen of the Bedchamber to the Prince of *Wales*; and, in the Parliament which sat *January 23, 1734*, he was one of the Knights for *Derbyshire*. He married, *January 9, 1727*, the Lady *Anne Gray*, third daughter to *Henry Duke of Kent*; she died *September 30, 1733*, and left issue two sons, *Frederick* and *Henry*. His Lordship was a Fellow of the Royal Society, and Vice-President of the Foundling Hospital. Fourth, Lord *John Cavendish*, who died *May 10, 1720*.

The daughters were, first, Lady *Mary*, who died *June 15, 1719*, unmarried; second, Lady *Rachel*, married to Sir *William Morgan*, of *Tredegar* in *Monmouthshire*, Knight of the Bath; third, Lady *Elizabeth*, married to Sir *Thomas Lowther*, of *Holker* in *Lancashire*, Baronet; fourth, Lady *Catharine*; fifth, Lady *Anne*; sixth, Lady *Diana*, which last three died unmarried.



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the 1990s, the number of people in the United States who are 65 years of age or older has increased by 50% (U.S. Census Bureau, 1997). The number of people aged 65 and older is projected to increase to 20% of the total population by the year 2020 (U.S. Census Bureau, 1997). The increase in the number of people aged 65 and older is expected to be even more dramatic in other countries. For example, the number of people aged 65 and older in Japan is projected to increase from 15% of the total population in 1990 to 25% of the total population by the year 2020 (U.S. Census Bureau, 1997). The increase in the number of people aged 65 and older is expected to be even more dramatic in other countries. For example, the number of people aged 65 and older in Japan is projected to increase from 15% of the total population in 1990 to 25% of the total population by the year 2020 (U.S. Census Bureau, 1997).

[illegible]

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion. The number of people aged 65 and over is expected to increase from 250 million to 450 million. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion.

THE
LIFE of WILLIAM,
Third Duke of DEVONSHIRE.

WILLIAM, the third Duke of *Devonshire*, did not in the least deviate from the worthy actions of his ancestors, but rather added a lustre to them.

As soon as he came of age, he was successively elected a Burgess to serve, in two Parliaments, for the boroughs of *Leſtwithiel* and *Grampound* in *Cornwall*.

1726. On the 26th of *May* he was appointed Captain of the Band of Pensioners.

1727. Upon the Accession of the late King *George* the Second to the Throne, his Lordship was continued in his post.

1728. Upon the dissolution of the Parliament, at the end of the last year, he was elected to serve in the succeeding one, as one of the Knights of the Shire for *Huntingdon**.

1729. On the 4th of *June*, this year, his Lordship had the great misfortune of losing his father; whose life and actions were in every respect so amiable, as not only to deserve the highest eulogium, but most worthy of imitation. Now as we have already fully spoken concerning them, we shall here

* Suffer us here to remark, that whilst his Lordship sat in the House of Commons, he took every opportunity in his power of shewing a dutiful regard for his Sovereign, and at the same time an affection for his fellow subjects, by always looking upon both their interests to be inseparable; so that, by thus conducting himself, he became greatly esteemed and beloved by the leading men of each party in that House.

add nothing further thereto, save a translation of a passage in *Tacitus*, which, we think, may be truly applied to the late Duke, and therefore shall introduce it as follows :

“If there is (says this excellent Historian) any receptacle for the departed souls of the just ; if, as the wisest and best of men believed, that great and heroic souls perish not with the body ; may the Duke’s enjoy a pleasing rest ; and, instead of vain and useless lamentation, may his noble example excite his surviving illustrious relations and friends to the contemplation of his admirable virtues.”

His Grace, after paying the last acts of filial piety to the remains of his late Sire, waited on his Majesty, and delivered into his royal hands the ensigns of the most Noble Order of the Garter, (which his illustrious father had worn with great honour,) who received the young Duke very graciously, and spoke of his dutiful attachment to his Royal House, in the same respectful manner as the late Queen *Anne* did, when his Father waited on her, and delivered up the like charge, after the death of the first Duke of *Devonshire*. His Majesty, at the same time, to shew how much he respected our noble Lord, was pleased not only to make him one of his Privy Council, but Lord Lieutenant of *Derbyshire* ; and, in a few years after, one of the Knights of the most Noble Order of the Garter ; and, besides all this, he was also appointed a Governor of the *Charter-house*.

1730. This year the Treaty of *Seville* was laid before the Parliament. The concluding this Treaty, indeed, made a great deal of noise in the world ; and many objections were raised by the opposite party against it, as well as against the Prime Minister, thro’ whose means the Treaty was concluded. In fact, that, and some other matters which followed, occasioned great contentions among the Great, and at present furnished Libellers and small Pamphleteers with

with such materials, as enabled both sides to reap a plentiful harvest*; but as it does not appear that his Grace of *Devonshire* particularly intermeddled either on the one or the other side, whilst this extraordinary affair was under consideration, we shall here say nothing more on that head.

A late writer speaks thus of the temper of the people at that period: "The great prosperity the nation was in, (says he,) in respect to the great increase of commerce, introduced luxury in living; luxury created necessities; and those drove the lower ranks of people into the most abandoned wickedness. In short, an universal depravity of manners at this time prevailed, so that it was unsafe to travel the roads or to walk the streets; nor durst the civil officers, oftentimes, dare either to repel the violence offered, or to punish the crimes that were committed. Besides, there were other species of villains that at this time started up, which were formerly unknown: These made it their practice to write letters to men of sub-

* We are sorry to find, that the above example should not have been a warning to a certain Minister, as to his acting in a similar case. If it had, it might have saved him from a number of embarrassments. The Treaty, which he lately patronized, has been as virulently attacked as that of his Predecessor, by a swarm of letter-writers, as well as others of a quite different kind; and when these Gentlemen will be tired of their present pursuit, the God of Heaven only knows. It is surprising that our *British* high-pinnaced Statesmen, (for so a Poet styles Prime Ministers) should not have been sufficiently warned, by what had before happened, from proceeding any farther, when they found a strong opposition, or rather clamour, raising every where against what they were doing, till they had laid the whole before the Parliament; if it met with their sanction, then to go on, or otherwise desist. It is a maxim in our Law, that the King can do wrong, consequently the Ministers are answerable for all such transactions; which has often proved fatal to many of them; and that made the Poet say, if they fall from the pinnacles whereon they stand,

"They fall never again to rise,
And they that lend them pity are not wise."

stance,

stance, threatening to fire their houses in case their demands were not complied with. Nay, some of these villains have been so audacious as to put their threats in execution, where they have been disappointed of receiving what they expected.

“But this was not all, even persons of consideration employed satyrical writers to libel the most beneficent acts of Government; yet, when we consider their rank in the world, it cannot suffer us to imagine they had any design against the peace of their country, tho’ they certainly had against that of the Prime Minister.”

These proceedings of the latter were so displeasing to the common Father of his people, that in a Speech to his Parliament, speaking of their wicked acts, he says, “Their behaviour must give a just detestation of those incendiaries, who, from a spirit of envy and discontent, continually labour, by scandalous libels, to alienate the affections of his people, and fill their minds with groundless jealousies and unjust complaints, in dishonour of him and his government*.”

* The Libellers and Pamphleteers on both sides were deeply engaged this year. The Courtiers charged the Anti-Courtiers with sedition and defamation, whilst the other accused the Prime Minister with betraying the honour of the nation. The chiefs of the latter, in order the better to arm themselves in their pursuit, took into their pay one *A--berst*, author of the letters inserted in a weekly paper called the *Grassman*; but finding his pen not strong enough to wound the Minister in the manner desired, they descended to be the letter-writers themselves. One of whom was *L--d B.* who, (though under great obligations to *Sir R. W.* upon a certain very knotty and interesting occasion) became now his inveterate enemy, so that in conjunction with *Mr. W. P.* the avowed patron of this paper, they every *Saturday*, from different bows, let fly their arrows at him; which, however, sometimes recoiled on their own heads.

On which account, that paper alone was at last thought rather too slow for throwing out all the reflections they had gathered against the Minister; and therefore, to supply that defect, they published occasional pamphlets, which were replied

However, the Prime Minister had, at that time, notwithstanding the strong party that was raised against him, a great many rich and powerful friends, who, upon several occasions, exerted their utmost abilities, in order to support him against his enemies; and as he had the disposal of all the considerable places, he mostly bestowed them upon his relations and dependants, without properly providing for those, who had deserved well of their country; so that, by thus acting, it became very distasteful to some of the old servants of the Crown, who much complained of the Minister's partiality; among whom, it was said, the Lord Viscount *Townshend* was one; because, at the time this complaint was made, he resigned the Seals, as Secretary of State, as well as the Lieutenancy of

replied to with equal acrimony by the Courtiers, but with much less wit and satyr. After trying those different experiments, they apprehended that the goose quill did not wound so deep as each seemed to desire; they had then recourse to the sword; in short, the next news we heard was, that a furious duel had been fought between two of the chiefs, Lord *H.* on behalf of the Minister, and Mr. *P.* on the side of the Anti-Courtiers; which, however, God be praised, ended without the death of either, though the noble combatant received two slight wounds.

This quarrel had not long subsided, before another broke out in a debate held at a certain House; and we are sorry to say, that personal reflections were then indiscriminately passed, on the virtuous, as well as on those that were blameable, which were carried to such a height, that we were on the brink of hearing of another duel between Mr. *P—m* and Mr. *P—y*, had not their impetuosity been frustrated by the command of a Great Assembly.

Our reason for bringing these particulars forward, is in hopes, if there are now in being men of the above turn of mind, they will learn to avoid embarking in such schemes. For tho' it may, in some measure, please their present dispositions, yet it will certainly, in the end, prove hurtful to themselves, as well as prejudicial to their country.

This year three very good Acts passed; the first, for rendering the Proceedings of the Law into the English Language; second, for regulating Juries; third, for the relief of Debtors in respect to the imprisonment of their persons.

Norfolk, which last place was given to his son, as also that of Master of the Jewel Office*.

1731. Notwithstanding the disturbance that had been raised against the Treaty of *Seville* at home, the Emperor's obstinacy seemed to threaten a renewal of the war. This the King particularly observed, in his Speech to both Houses of Parliament, at the opening of it: For therein he earnestly recommended to them, to enable him to be ready, so as to carry the Treaty into execution by arms, if force should be found necessary.

As soon as the King was withdrawn, the Duke of *Devonshire* moved for an Address of Thanks, and to declare, "That should his Majesty's endeavours to obtain a compliance with the just conditions of the Treaty of *Seville* prove ineffectual, they would support all his engagements, in order to procure satisfaction to himself and his Allies, as became faithful subjects; and would also unalterably maintain the honour of the nation, and the sacred faith due to public Treaties."

Lord *Strafford*, and others, offered an amendment to the Address, as follows: "That they should desire of his Majesty, that, in case a war broke out, he would take care that the same should not be carried

* He was an able, resolute, and intrepid Minister of State, and had zealously supported the Protestant Succession, inasmuch that he was one of the late King's favourites, and was esteemed one of the heads of that party, and therefore his resigning his office was very disagreeable to many of his Majesty's friends, particularly to the Duke of *Devonshire*. In fact, his Lordship, during the late and present reign, was looked on as one of the chief conductors of foreign Affairs, so that his retiring was much regretted at that time; but, in a word, he from thenceforward appeared no more in business, and spent the remainder of his days at his seat in *Norfolk*, where he departed this life in the month of *June*, 1738; and for whose memory, upon account of very many favours I received from his Lordship in the days of my youth, I shall, to the last moment of my life, retain the highest veneration and respect.

on in *Flanders*, or upon the *Rhine*." This amendment was opposed, and, after a short debate, over-ruled; and then the Address was drawn up, and presented, in the manner his Grace of *Devonshire* proposed*.

After this matter was over, and the necessary supplies voted, and Acts passed for raising them, and the other business of the session gone thro', the Parliament broke up.

On the 12th of *June* the Duke was appointed Lord Privy Seal.

1732. On the 13th of *January*, this year, the Parliament met. The first enquiry the Commons proceeded upon was, that concerning the forfeited estates of the late Earl of *Derwentwater*, which were estimated at 9000*l.* *per annum*, yet were sold only at 1060*l.* which was looked upon as no way adequate

* A foreign writer of note, who was intimately acquainted with the Earl of *Strafford*, speaking of Sir *Robert Walpole*, then Prime Minister, in a letter to a friend, says, "There is no man more bold and enterprising; he perfectly knows his countrymen, and nobody speaks with more eloquence in Parliament; where, whatever he proposes, seldom fails of being passed; and the lower House is, one may say, determined by him.

"His great opponents in Parliament were Mr. *P—y* in the House of Commons, and my Lord *St—d* in the House of Peers.

"This Lord, you know, was for a long time Ambassador from Queen *Anne* to the Court of *Berlin*, and afterwards to the States-General; and that it was he that signed the Treaty of Peace at *Utrecht*: He was a Member of the Privy-Council when the Queen died; but King *George* the first did not think proper to continue him; at which his Lordship being disgusted, absented from Court, and became in Parliament the censor of the Ministers. After the death of King *George* the first, the Earl paid his respects to their present Majesties, who received him with very great marks of distinction; which, however, did not hinder his constant opposition to the measures of the Court: yet it cannot be denied, that his Lordship behaved with very great prudence in the changes that happened upon the Accession of the *Brunswick* family to the Throne. This Lord, speaking to me one day of those alterations, in the voyage I made hither in 1728, told me, that if he had been ruled by the Duke of *Ormond*, he should have been in the same miserable circumstances as that Duke. He did all he

to the real value of so grand a contingency. This occasioned a very serious enquiry; and after a full examination into the nature of the sale, and how it had been conducted, it plainly appeared, to the satisfaction of the House, to be a fraudulent transaction, and, as such, they declared it ought to be set aside: And it also appeared to the House, that two of the Commissioners, who were their own Members, had acted very unfairly in respect to transacting the matter. They were, therefore, for their offence, expelled the House; after which an Act of Parliament passed to vacate the sale; and, by another Act, those

could, (said he) to persuade me to quit the kingdom with him; but he was so far from decoying me away, that I made use of all the rhetoric I was master of to persuade him to stay at home, because we had neither of us done any thing, but by order of the Queen our mistress; that therefore we had nothing to fear, and that the worst that could happen to us would be a censure. But the Duke had such a terror upon him, that all these arguments were not powerful enough to encourage him, and but a few hours before he went off, he came and conjured me to leave the kingdom with him. I made him this answer: "I have nothing to reproach myself with, my Lord; I have obeyed the Queen, and I have too high an opinion of the justice of my country, and too great a confidence in the equity of the King, to fear any thing." The answer which the Duke made me was, *Well, then, my Lord, I must take the same farewell of you as the Prince of Orange did of Count Egmont; Farewell, Count, without a head.* To which I replied, *Farewell, Duke, without a Duchy.* The event has shewn, that I was a better Prophet than the Duke of Ormond; for I enjoy my estate in peace, whereas what he had is taken from him. In the same conversation, the Earl talked a great deal to me of their Majesties, and in terms of the profoundest respect. He expressed an infinite value for the King, who, when Prince of Wales, said he, always treated me with very great regard and goodness. Nevertheless this Lord appears seldom at Court: He spends the summer in the country, and the winter at London, where once a week he has an assembly, but in other respects he lives very retired, and at no great expence."

This year died the most noted subject in England, Philip Duke of Wharton, a man who always had lived in extremes, yet he had abilities to have supported the greatest character.

estates

estates were directed to be appropriated for the use and benefit of *Greenwich Hospital*; all which have been complied with.

The second matter the Commons proceeded on was, to enquire into the state of the Courts in *Westminster-hall*, touching the Fees of the different Officers belonging to them, which was partly done during the last, and closely attended to this present session, by a select Committee, who now made a Report, so far as related to the *Chancery*; and a Table of the respective Fees, claimed in each office in that Court, was ordered to be there hung up, which has been done accordingly.

The third enquiry the Commons proceeded upon was, that of looking into the state and condition of the accounts of the Charitable Corporation; and, upon thoroughly searching into them, it clearly appeared, that their affairs had been very badly conducted of late years, so as to have been made use of rather to oppress than to help the Poor, tho' the latter was the avowed design of its institution. In short, the enquiry at last ended in censuring several persons, who were concerned in this iniquitous affair, and to appoint certain Commissioners to settle the Corporation Accounts for the benefit of their Creditors. From thenceforwards the credit of the Corporation became entirely ruined; so that, at this day, we hear no more talk of it.

In fact, the above enquiries took up so much time in the House of Commons, that they could do very little else this session, save that of raising the necessary supplies; but it is to be remarked, that when they had passed any Bills to enforce the resolutions they had come to concerning the matters before them, and sent the Bills up to the Lords, his Grace of *Devonshire*, with a considerable number of other Peers, supported and encouraged what the Commons had been doing of, by readily passing such Bills.

This

This year died of the stone, the Earl of *Macclesfield*, late Lord High Chancellor, who had, since the year 1725, retired and lived a private life*; and this year also died the Dutchess of *Monmouth*, relict of the late unfortunate *James Duke of Monmouth*.

* The Earl was born at *Leke*, in *Staffordshire*. By applying himself to the study of the Law, he grew so eminent in his profession, that he was appointed one of the Council to *Queen Anne*, and by that means became acquainted with his Grace the Duke of *Devonshire*; and being called to the degree of Serjeant at Law, *June* the 8th, 1705, he was the same day appointed the Queen's Serjeant, and had the honour of Knighthood conferred on him. As we have already mentioned how he came to be appointed Lord Chief Justice, we shall therefore say nothing further on that head. However, we cannot omit here to give Mr. *Collins's* character of his Lordship: "The Earl, as a husband, a parent, and a master, was truly beloved by every one who stood in those relations towards him. His speeches on public affairs, and in his judicial capacity, shewed both his learning and eloquence, and he favoured all designs tending to the advancement of learning. No man served his friends more readily, and cheerfully; and they found in him a most agreeable, innocent, and instructive companion. He was a sincere and faithful member of the Church of *England*, constantly frequenting its assemblies, and joining in all its offices, with a just sense of Religion, and an exemplary piety. To those supports it was owing, that, when he apprehended the approach of death, he prepared himself for it with as much calmness and composure as for a journey: And, having received the holy Communion, in the company of his relations, friends, and servants, he took his last farewell of them, serious and unmoved; setting them a pattern of dying, as he had always done by living, like a true Christian." His Lordship died on the 22d of *April*, 1732, aged sixty-six, and was succeeded in his honours and estates by his only son, *George*, now Earl of *Macclesfield*, who is not only learned himself, particularly in some of the most useful branches of the Mathematics, but a generous patron, and an encourager of them in others; to say nothing of his remarkable affability to his inferiors, for which he is more distinguished than for his high titles. It will not be impertinent just to take notice, that we are indebted to this noble Lord for the introduction of the New Stile in this Kingdom, the want of which created infinite confusion and embarrassment in our intercourse with foreigners.

1733. On the first of *June*, Lord *B*——*st* moved, that the remainder of the forfeited estates of the *South Sea* Directors should be disposed of.

This occasioned a long debate; but at last, after an amendment had been made to the motion, it was partly agreed to.

Next, the Earl of *W*——*sea* moved for the House to resolve, that the disposing of the forfeited estates of those who were the late Directors of the *South Sea* Company, without any order or direction of a General Court, was contrary to Law.

The Lord Chancellor was upon the point of putting the question on this motion, when the Duke of *Devonshire* got up, and spoke to this effect:

“My Lords, I cannot agree to this motion; because I think it is anticipating the judgment of this House, in an affair which, perhaps, may come before us as a Court of Judicature. It is true, my Lords, there does not appear to us, that there has been any order or direction of any General Court of that Company, for the disposal of those forfeited estates, except that which is mentioned in our former resolution; but still there may be other orders: And granting there never were any other, yet, I think we ought not to pass judgment even upon that order, without having all proper parties before us, and the case fully debated and considered; as the resolution proposed would, if it passed, be a sort of a decree, or determination, as to a point in which private men are certainly concerned: And therefore we ought not to pass it, till the parties concerned are properly before us.”

After the Duke had done speaking, other noble Lords spoke on the same side; so that, in fact, the Lords came to no resolution upon Lord *W*——*sea*'s motion; but at last the question was put, that a Secret Committee should be appointed, of twelve Lords, to be chosen by ballot, to examine into the transactions

transactions and proceedings of the *South Sea Company*, from the 2d of *February*, 1720, and to lay their report before the House, with all convenient speed. The question, however, was resolved in the negative; Content, seventy; Not content, seventy-five.

In short, before any farther proceedings could be had relating to the *South Sea Company*, or any other matter of consequence, the King came to the House of Peers on the 11th of *June*, and prorogued the Parliament.

This year is particularly famous, or rather (as some are pleased to term it) infamous, for the Excise-Scheme, which was calculated to subject Wine and Tobacco to the Excise-Laws. It was so disagreeable to the generality of the people, that, after the matter had been canvassed over for some time in the House of Commons, it was entirely laid aside; notwithstanding which, the clamour raised against its projector, Sir *R. W.* did not subside, as his enemies made a handle of it to inflame the minds of the people, and to render both his person and administration as odious as possible. This they did in the most effectual manner, by continually publishing satyrical prints and pieces against all his measures. To such an height was their rancour carried, and so many pens employed, in exposing either the weakness of his head, or the badness of his heart, that, one would think, were his genuine character to be taken from those writers, he had not a single quality but what a man ought to be ashamed of. It is far from our intention to offer the least apology for that scheme, than which nothing could be more ill-timed, nor more unpopular. The fate of Sir *R. W.*—, one would think, may be sufficient to warn all future Ministers not to split on the same rock, by attempting a thing, which must unavoidably render them odious, and with which their enemies will not only

only reproach them, during their whole lives, but pursue them even in their graves. This, we find, was the treatment that Minister met with, both before and after his resigning all his employments; and even to this day the Excise is scarce ever mentioned, without the sharpest invectives against the author of a scheme so hateful to the *British* Nation. The misfortune is, that even able and upright Ministers are generally surrounded, and too often led into wrong measures, by a parcel of sycophants and time-servers, who, under specious pretences of friendship, or promoting the public welfare, consult nothing but their own interest, or, which is no unusual artifice, by laying the snare in their Patrons way, in order to render them unpopular.

On the 12th of *June* his Grace of *Devonshire* was made Lord Steward of the Household, in the room of the Earl of *Chesterfield*.

On the 16th of *October*, in the morning, a terrible fire broke out at his Grace's house in *Piccadilly*; the occasion of it was owing to the carelessness of workmen, who put a glue-pot upon a fire made of some shavings that caught to others, whilst they were at breakfast, which burnt with so much furiousness, that in a short time the inside of the house was entirely consumed; but the library, and the admirable collection of pictures, medals, and other curiosities placed there, were preserved, together with a great part of the furniture, (see *Life of second Duke*, p. 112.) yet the loss was computed to above 20,000*l*.

This year Lord *Raymond*, Lord Chief Justice of the *King's-Bench*, died, who was both an able Lawyer, and a good Judge; and some time after, the Lord Chancellor *King* resigned the Great Seal.

Sir *Philip Yorke* was, upon the death of Lord *Raymond*, created a Peer, by the title of *Philip* Lord *Hardwicke*, Baron of *Hardwicke*, in the county of *Gloucester*; as was also, *Charles Talbot*, Esq; by the

title of *Charles Lord Talbot, Baron of Hensol*; the latter was, in the beginning of *December*, made Lord High Chancellor; and the former, in *November* before, preferred to the high Office of Lord Chief Justice of the *King's-Bench*. The Promotions of these two eminent Lawyers were extremely agreeable to the people in general, upon account of the great reputation they had both gained in their profession; and it may truly be said, they were, in that respect, an honour and an ornament to their country. And the next year died the Lord Chancellor *King*.*

1734. It does not appear that his Grace of *Devonshire* was any way particularly concerned in the debates in the House of Lords this year, and therefore we shall pass over whatever was transacted there, and only observe, that soon after the rising of the Parliament, it was first prorogued, next dissolved, and a new one called.

This year the Princess Royal was married to the Prince of *Orange*.

* In 1708 he was chosen Recorder of the City of *London*, and in 1710 was one of the Managers against *Dr. Sacheverell*. On the 26th of *October*, 1714, he was appointed Lord Chief Justice of the Court of Common Pleas, in which station he continued till the first of *June*, 1725, when he was made Lord High Chancellor of *Great Britain*; which post he resigned in *November* 1733. His Lordship's father was a grocer and oilman at *Exeter*, and bred his son, for some years, to his own business. Many people in *Devonshire* are still living, who have seen the late Lord Chancellor in all the drudgery of an oilman; yet in the midst of his employment, so strong was his ambition, and his inclination to learning, that he laid out what money he could conveniently spare in books, and employed every moment of his leisure time in study; so that he became a good scholar (and was particularly very well versed in Church History) before the world suspected any such thing. He was four or five and twenty before he was taken notice of, when the great *Mr. Locke*, who was related to him, introduced him to the world, and persuaded his father to let him study the Law; in which profession his learning and diligence made him soon eminent.

1735. The new Parliament assembled, when the Right Honourable *Arthur Onslow* was again chosen Speaker. The King, in his Speech, informed both Houses, "That he had, in concert with the States General, entered into a mediation between the powers at war, yet he put them in mind, that whilst it was raging in *Europe*, it would be proper (tho' attended with expence) for *Great Britain* to keep herself in a posture of defence."

A very loyal Address was moved for, on the occasion, by my Lord of *Devonshire*, which was opposed, and another offered by those in the opposition; but, upon a division, the Address proposed by the Duke was agreed to, and that by the opponents rejected, by a majority of eighty-nine against thirty-seven*.

There were many other debates this session, in which, however, the Court generally had the majority on their side. In short, after the necessary supplies were voted, and the usual Acts passed for the raising them, the Parliament was, on the 15th of *May*, prorogued, and in the close of it the King made a Speech to both Houses, wherein he informed them, "That being obliged to visit his *German* dominions, he should leave the Queen Regent in his

* In the session of Parliament held in the year 1733, the two following Acts were made; the one, for regulating Attorneys; and the other, for making effectual such agreements as shall be made between the Charitable Corporation, for the relief of industrious Poor, by assisting them with small sums upon pledges at legal interest, and their Creditors.

That year died *Thomas Duke of Norfolk*, &c. and was succeeded by his brother *Edward*; Sir *George Byng*, created Viscount Torrington; *Thomas Lord Foley*; the Earl of *Pembroke*; the Dutchess of *Rutland*; and *William Stafford Howard*, Earl of *Stafford*, lineally descended from the unfortunate Duke of *Buckingham*, beheaded in *Henry VIIIth's* reign. This Title is now extinct, by the last Earl's dying without issue in 1763. In the year 1734 died *Dr. Willis*, Bishop of *Winchester*.

absence, and therefore recommended it to them, to endeavour to render the burthen of that weighty trust as easy as possible to her; and soon after the King set out for *Hanover*, and returned to *Great-Britain* before the end of *December* *.

1736. This year his Royal Highness the Prince of *Wales* intermarried with the Princess of *Saxe-Gotha*, sister to the reigning Duke; a Lady, who, for antiquity of blood, and eminency of family, cannot be exceeded by any in the Empire. In short, the nation in general was highly pleased with this marriage; the Lord Mayor and Aldermen of *London* took the first opportunity of making their compliments on the occasion: As did also both Houses of Parliament.

This Session of Parliament produced an extraordinary motion, and, we think, a very good one, as to raising the supplies within the year; tho' a negative was put upon it, without any division. Notwithstanding this quick determination, many are of opinion, if that could ever be effected, it would not only be beneficial to the public, but be the means, in some respects, of stopping that pernicious and full-grown evil, **Stock-Jobbing**.

As to the other domestic events, during this Session, they were few and uninteresting; after the supplies were granted, the Parliament was prorogued, and as his Majesty's affairs called him abroad again this summer, he left his Queen Regent.

* This year died the Earl of *Peterborough*, at *Lisbon*, of a flux, by eating of grapes, aged 77; he was one of the two Noblemen that came over with the Prince of *Orange* at the Revolution; in 1705 he was declared Commander in Chief of the Forces in *Spain*, and in 1711 was made General of the Marine Forces in *Great-Britain*, in which post he died. The Duke of *Buckingham* also died this year, aged 21; the Title is extinct.

The beginning of this year the Preliminaries for a general pacification were signed, and generally approved of; and, if we will believe a late writer, *no Prince ever acquired, by a Mediation, more universal honour than his Majesty did at that time.*

On the 1st of *February* this year the Duke of *Lorrain* and the Emperor's eldest daughter intermarried, who are at present Emperor and Empress of *Germany*; and to make the public tranquillity as perfect as possible, *Spain* and *Portugal*, who had been at difference, were, by the interposition of our Court, reconciled. And here we shall conclude the year 1736*.

1737. The spirit of tumult and rebellion was this year very rife, occasioned principally through the lower class of people's drinking spirituous liquors, insomuch that there were no less than 7044 houses and shops that publickly sold it by retail, within the limits of *Westminster*, *Holbourn*, and the *Tower*, exclusive of *London* and *Southwark*, besides a prodigious number of cellars and garrets where it was also sold, tho' privately. To cure, if possible, this evil, an act passed to prevent the excessive drinking these pernicious liquors; upon the commencement of it there were several riots and tumults in different parts, but thro' the vigilance of the government they were soon suppressed.

It is remarkable that during the time the peace of the nation had been thus interrupted, a very daring

* This year is remarkable for the death of Prince *Eugene*, equal in command with the Duke of *Marlborough*, yet he was not esteemed in every respect so accomplished a General; and this year also died, in the month of *July*, Sir *William Hardres*, Bart. at *Hardres-Court* near *Canterbury*, which has been the seat of the family ever since *Edward the Confessor's* time; Sir *William*, the present Baronet, married Miss *Corbet*, one of the daughters of the late worthy Dr. *Corbet*, but has at present, (1763,) no issue by his Lady.

insult was offered to our Courts of Justice, by one *Nixon*, a Non-juring Clergyman, who conveyed into *Westminster-Hall*, whilst they were sitting, a packet, wherein were inclosed five acts of Parliament that had lately passed; to wit, 1. *The Gn.* 2. *The Mortmain*; 3. *For building Westminster-Bridge*; 4. *The Smugglers*; and the 5th, *That for borrowing 600,000l. upon the Sinking-Fund*. After this, he filled up the packet with gun-powder, and placed it near the Court of *King's-Bench*, and fixing a lighted match to the paper, it made such an explosion as greatly surprized the Courts, as well as others that were then sitting in the Hall. *Nixon*, for this offence, was committed to *Newgate*; but it afterwards appearing that he was little better than a mad-man, he was only fined, and ordered to be imprisoned.

In the mean time the contending parties, which we have before spoken of, considered the riots that had happened in different lights; the Courtiers, on their part, did not scruple to charge the opposition with having occasioned them; whilst, on the other hand, their opponents did not stick to say, that they were entirely owing to the dissolute principles of the government, which had thrown up all reins of authority, and by its own example had encouraged the common people to contemn and disregard all subordination; now, as to which of these parties were blameable at that unhappy time, we shall not take upon ourselves to determine, otherways than to observe, that it was happy for us, that we had in those days of confusion some cool and steady men amongst us, such as the Duke of *Devonshire*, and other worthy Patriots we could name, who were the principal means of checking those disorders, and preventing farther mischief; for certain it is, as a kingdom divided against itself, will, in the conclusion, be brought to desolation; so, on the contrary, where there

there is unity, peace, and concord among all degrees of men, the hands of government are strengthened, and every things prospers.

Whilst these different matters were transacting, the kingdom sustained a very great loss, by the death of the Lord Chancellor *Talbot*, which high office none ever discharged with more assiduity, capacity, and uprightness. He rose by merit alone to the head of his profession, and not only supported himself in it with dignity, but adorned it, and acquired every day new praise and esteem. His prudence, moderation, and patience, even amongst the highest provocations, make one shining part of his character, and are hardly to be paralleled by any instances of those who sat before him on that bench. Yet, notwithstanding this amiable disposition of mind, he discovered such courage and resolution, upon all occasions, as could not be shaken by the tricks of the wealthy, the applications of the powerful, or the tears of the distressed. His only aim was right and equity, which he steadily pursued, on which soever side the weight of his decrees might happen to fall. He was a great enemy to the chicanery of his profession, and endeavoured to render the course of justice more easy, as well as less expensive, by preventing unnecessary delays. In a word, he possessed all the great talents of his renowned predecessors, without their failures, and left behind him a noble example to all his successors; so that he was not only a blessing to the age, in which he lived, but may derive the same happiness to posterity, by exciting those who follow him in that high office, to an emulation of his virtues.

The great increase of business in the Court of Chancery, after the Seals were put into his hands, is an evident proof of that confidence, which the Supors reposed in him, and will do immortal honour to his memory, tho' it proved fatal to his life; for the constant fatigue of his employment was one of the
principal

principal causes of his death ; and therefore, he may be truly said to have fallen a martyr to the public good.
 * He had no attachment to any party, besides that

* It may not be unacceptable to the Reader to give some short account here of this excellent Chancellor's family ; wherein the Author will take the liberty of mentioning a little anecdote, partly within his own knowledge, which will set that great man's private character in its true light. His Grandfather was *William Talbot*, of *Stourton-Castle*, in the county of *Stafford*, Esq. He had only one son, of the same name, who was educated at *Oriel-College* in *Oxford*, whence, after having taken the degree of Master of Arts, in 1680, he went to reside at the house of Mr. *Grove*, in *Chipping-Norton*, at the very time when the late Lord *Harcourt* was there ; by which means these two young Gentlemen contracted an intimacy with each other, which always subsisted, tho', when they were afterwards advanced in years, they embarked in different interests. About this time, the Duke of *Shrewsbury*, who was a zealous Protestant, and seldom went to a Court, whose measures he could not approve, was wont to make frequent excursions to this town from his seat at *Hethorpe*, where he chiefly resided, being greatly pleased with Mr. *Talbot's* polite behaviour and agreeable conversation, whom he acknowledged for his relation, and shortly presented him to a living in his gift of 200*l.* a year. After this, Mr. *Talbot*, now in Holy Orders, paid his addresses, and, thro' Mr. *Grove's* recommendation, married Miss *Catherine King*, daughter of Mr. Alderman *King*, of *London*, who was then on a visit in the said town. By this Lady he had a numerous issue, of whom four sons and two daughters arrived to years of maturity.

At the Revolution, the Duke, who had been a zealous promoter of it, got Mr. *Talbot* made Dean of *Worcester*; next he was preferred to the Bishoprick of *Oxford*, then to *Salisbury*, and at last translated to *Durham*, which he held till his death, in 1730, and of whom we shall say no more, than that he was not only one of the most accomplished Gentlemen of our age, but as worthy a Prelate as ever adorned the Bench.

The Bishop's eldest son, *Charles*, was bred to the profession of the Law, wherein he so greatly distinguished himself, that three years before his father's death, he rose to be Lord Chancellor; wherein he soon discovered, that his exalted station had made no other change in him, except that of doing more good, in proportion to the wide sphere he now acted in. Of this, the Author begs leave to mention a striking instance relating to himself. Some time after his Lordship's advancement to this high office, the Author happened to meet Mr. *Cunnington*, who had been one of the Bishop's principal domestics,

of his country, and seemed resolved to contribute all in his power towards restoring it to a flourishing condition.

ness, and was now in the service of the Chancellor his son. This Gentleman expressed his surprize, that he had not applied to his Lord, when he came into his office; "for, said he, I know the friendship that subsisted between his father and yours, and that my present matter also retains a most grateful sense of the many good offices, and kind entertainment he met with at your father's house." The other, in reply, said, possibly length of time may have worn out the remembrance of obligations. "No, Sir; you will find, on trial, (says he,) that my Lord is not capable of burying such favours in oblivion." Upon this he wrote his Lordship a letter; the result of which was, that of being immediately sent for, and met with the kindest reception. Then he was desired to point out something wherein my Lord could serve him; and having intimated a matter that would be very agreeable, in case of a vacancy, his Lordship answered, that, notwithstanding he had designed it for one, whom he named, yet, in order to shew the reality of his friendship, he would prefer him, and provide for that person some other way. But, alas! in a few days after, he had the inexpressible mortification to hear of the Chancellor's death; which entirely blasted all his hopes from that quarter; however, he could do no less than here mention this particular, both as an instance of his Lordship's gratitude, as well as of his own remembrance of that excellent Magistrate's kind intention towards him.

As the Author has had occasion to mention his Father in this note, he looks on it as a tribute due to the memory of both his parents, just to intimate, that they lived in *Chipping-Norton*, where the family had resided above a century and a half, in the most uninterrupted harmony, to a good old age; his Mother, who had been married to his sire above fifty-three years, died the 22d of *January*, 1739, aged 73; and his Father died on the 22d of *March*, in the year 1740, aged 83. They were, in short, beloved and respected by every one that knew them, as patterns of true conjugal happiness, and all those social virtues that render any persons a blessing to the neighbourhood they dwell among. How justly might those beautiful lines, that *Pope* has written of his own parents, and which the Author has applied in another piece, be introduced on the present occasion, as there cannot be a more strong similarity in the characters.

ERRATUM in the foregoing page, 20, in the last paragraph in the Note, line 3, for *before* read *after*.

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I shall leave the display of his private virtues to those who had the honour of being more intimately acquainted with them, and shall only add, that no man ever left a more general good character, as a Christian, a Father, a Master, and a Friend. He died full of glory, but, to the great misfortune of his country, not full of years; and the general sorrow which his death occasioned, will do his noble Family more honour, than the highest titles or the most sumptuous monuments. It must be owned, that this, indeed, is a signal instance, that real worth and integrity will not go unrewarded, even in this degenerate age, as far as the affections, and almost veneration of the people, may be looked upon as any reward.

To conclude; there are so many great and virtuous qualities requisite to constitute a good Judge of any kind, and especially a Lord Chancellor, that as the utmost care ought to be taken in the choice of them, so their death may be esteemed a public misfortune. For this reason, the death of the late Lord *Hensol* is generally looked upon as one of the greatest losses which this nation hath sustained for many years; and it would be almost irreparable, had it not been supplied by one, (we mean the Lord *Hardwicke*,) who had already filled the highest station in the Law, except that of the Chancellor, with high honour, and was now called up to the Chancery, in concurrence with the general voice of the nation.

But to return to his Grace of *Devonshire*. There were now great debates in Parliament, in respect to settling 100,000*l.* a year on the Prince and Princess of *Wales*, out of the revenues granted to his Majesty, for the support of his civil government.

On the other hand, some endeavoured to shew, that the King could not, out of his present revenue, spare a greater allowance than he did to his Royal Highness.

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In the mean time his Majesty sent a message, by Lord *Devonshire*, as Lord Steward, with the other great Officers of the Crown, to his Royal Highness; wherein, by command, they acquainted him, & That although he did not think fit to make any application to the King, as to being paid the 50,000*l.* yearly by monthly payments, his Majesty, to prevent the bad consequence which might follow from undouful measures, as he is informed his Highness had been advised to pursue, had ordered them to inform him, that the King will grant his Royal Highness 50,000*l.* to be issued out of the Civil List Revenue, over and above the Revenues of the Dutchy of *Cornwall*; which, his Majesty takes it, will be a competent provision for his Royal Highness at present."

Upon receiving this message, his Royal Highness used many expressions of duty towards his Majesty, and then added, "That as to the present message, the matter was now out of his hands, and therefore he could give no answer to it."

This message made various impressions; and it was again debated, both in the House of Commons as well as in the Lords, as to allowing his Royal Highness the 100,000*l.* a year; but a negative was put upon the question in both Houses. After these transactions, a breach ensued between the King and the Prince, which, however, is so recent, and of so delicate a nature, that we shall forbear here to say any thing farther on that head.

On the 31st of *March* his Grace was declared, in Council, Lord Lieutenant General and General Governor of *Ireland*.

On the 7th of *September* he set out for *Ireland*, and landed near *Dublin* on the 14th: And on the 4th of *October* both Houses of Parliament met; when his Grace, being seated on the Throne with the usual ceremony, made a Speech to them; an extract thereof follows:

“Nothing (says his Grace) could be more agreeable to me, than to receive his Majesty's commands to meet you in this Parliament. The firmness and zeal which you have shewn for the support of the Protestant Religion; and your sincere and constant attachment to his Majesty's Royal Person, Family, and Government, give me the prospect of an easy Administration: And as his Majesty's service, and the prosperity of this kingdom, are the only points I have in view, I am fully persuaded that this session cannot fail of proving to the advantage of the Publick.

“I observe, with great pleasure, how much the exportations of your Linen Manufactures have increased of late years; and assure you, that nothing shall be wanting, on my part, which may contribute to the improving and extending that valuable branch of your trade.

“It is the peculiar happiness of his Majesty's subjects, that they have frequent opportunities of preparing and offering such Laws as they think for the general good of their country. This Privilege can never be of greater advantage than at this time, when we have a Prince upon the Throne, who considers the interest of his subjects as inseparable from his own, and is always ready to give his Royal assent to every Act that may promote the happiness of his people.

“You may depend upon my most hearty inclinations and best assistance to serve you, in every thing that may contribute to the security and welfare of *Ireland*: And, from the full enjoyment you have had of your religious and civil Rights under his Majesty's mild and most gracious Government, I have no room to doubt, but you will proceed, in all your deliberations, with such temper and unanimity, as may be expected from a people who have at

all times shewn themselves most affectionate and loyal subjects."

His Grace was no sooner withdrawn, than the Parliament resolved on an humble and dutiful Address to his Majesty, and also an humble Address to the Lord Lieutenant.

The Lords, in their Address to the King, "acknowledged his Majesty's goodness and tender concern for them, in appointing his Grace the Duke of *Devonshire*, Lord Lieutenant of the Kingdom, whose ancestors have always so eminently distinguished themselves in the cause of Liberty, and more particularly at the late happy Revolution, under our great deliverer King *William*, of ever glorious memory; and from his Grace's known character and eminent virtues, we promise ourselves, under his Administration, every advantage which can be wished for or desired by a most loyal and dutiful people."

And the Commons, in their Address, expressed their just regard for his Grace, as follows:

"We have a further instance of your Majesty's tender care of the prosperity of your people, in the wise appointment of a person of his Grace the Duke of *Devonshire*'s eminent and great abilities, to be Lord Lieutenant of this Kingdom, who hath already laid an high obligation on this Nation, to endeavour to make his Administration easy, by his having followed the great example of his most noble ancestors, in the steady defence of the Protestant Religion and Interests, and his firm attachment to your Majesty's Royal House."

The Lords in their Address to the Lord Lieutenant, among other matters, say:

"It is with the most entire satisfaction to ourselves, and the greatest thankfulness to his Majesty, that we see the Government of this Kingdom committed to the care of your Grace, whose illustrious
ancestors

ancestors had so great a share in that happy Revolution, to which we owe our present establishment; and who, by your wisdom, integrity, and goodness, as well as firm and zealous adherence to the Protestant Religion, together with your affection to his Majesty, and his Royal Family, have gained universal esteem.

“As the Protestants of *Ireland* have, from the Revolution, under King *William*, of glorious and immortal memory, to this day, given manifest proofs of a steady attachment to their Civil and Religious Rights; his Majesty may be assured, that we shall continue to use our utmost endeavours to deliver down to our posterity, those inestimable blessings, of which he (under God) is the supreme guardian: And as your Grace has no other points in view, but his Majesty's service, and the prosperity of this Kingdom; we beg leave to assure your Grace, that nothing shall, on our part, be wanting, to make the Administration of the Government easy to your Grace, and of advantage to the publick.

“It is a great pleasure to us, as well as to your Grace, to observe how much the exportations of our Linen Manufactures have increased of late years; and we rely upon your Grace's countenance and goodness, in contributing to the improving and extending that branch of our trade, which we are sensible is the most valuable of any to our country.

“We can never too thankfully acknowledge the assurances your Grace is pleased to give us, of your most hearty inclinations and best assistance to promote the welfare of this Kingdom, under his Majesty's mild and most gracious Government: And in return for so great goodness, we shall think ourselves indispensably obliged to carry on all our Proceedings with such temper and unanimity, as may give the greatest ease to your Grace's Administration,

tion, and at the same time shew, that we are most affectionate and loyal Subjects to the best of Kings."

The Commons, in their Address, say :

" The pleasure which the increase of our exportations of the Linen Manufactures gives your Grace, and the great desire you express of having an effectual stop put to that most pernicious practice of running of goods, are pregnant instances how much the interest, welfare, and trade of this Kingdom are your concern.

" Under a chief Governor, who gives such early proofs of his care for our prosperity, whose great abilities, candour, and generosity, add a lustre to his high rank, and whose zeal for the present Establishment hath long since rendered him most conspicuous, we have no room to doubt, but that his Majesty's service, and the happiness of his people, will be always his chief care."

His Grace gave suitable answers to these Addresses; after which both Houses immediately proceeded to dispatch the public business.

But whilst his Grace was attending to the affairs of his Government, and the Lords and Commons were deeply engaged in matters that concerned the welfare of their nation, news arrived there of the much lamented death of *Queen Caroline*. " This great Princess (as the foreign Author we have before quoted observes,) had every thing in her person that challenged the love and affection of the people, and at the same time commanded respect. Her presence (continues he) was majestic, but accompanied with modesty and good nature; her behaviour extremely courteous; her wit, which was both solid and sparkling, adorned with a thousand fine accomplishments. She always looked upon all the trifling amusements of her sex with disdain, and, particularly, never affected ornament in dress. The reading of choice
Authors

Authors was always one of her greatest pleasures; in-
 somuch that she may be justly said to have been one of
 the most learned Princesses in *Europe*. Having lost
 both her father and mother when very young, she
 was left under the guardianship of *Frederick*, Elector
 of *Brandenburg*, afterwards King of *Prussia*, by which
 means she spent part of her early days at the Court
 of *Berlin*, where the Electress, who was sister to the
 late King *George I.* gave her a tincture of her own
 politeness, and inspired her with those sublime senti-
 ments, for which she was admired by all that ap-
 proached her. The young Princess had, at this time,
 all the charms of nature; and the same of her beau-
 ty had attracted the addresses of *Charles III.* King of
Spain, afterwards Emperor, who offered her his hand
 and his crown; but the Princess was so strongly at-
 tached to her Religion, that she refused both. God
 reserved her, no doubt, to make *Great Britain* happy,
 by her marriage with the Electoral Prince of *Brunf-
 wick-Lunenbourg*. Her conjugal affection was exem-
 plary, and her maternal was proved by the numerous
 virtues which adorned her offspring. She was no
 less distinguished for her public than private virtues.
 Her Royal Consort always found in her a faithful
 counsellor; and when she was entrusted, as she fre-
 quently was, with the reins of government, during
 the King's absence, the nation was happy under
 her administration. Notwithstanding what black-
 mouthed Calumny has reported to the contrary, the
 instances of her charity to real objects knew no
 bounds; and men of merit always found in her a
 generous patroness." And here we shall conclude
 the year 1737.

1738. His Grace continued in *Ireland* till the
 month of *March* this year, and both the public
 and private businesses were carried on, through
 the whole course of the Session, with unanimity and
 cheer-

cheerfulness, as fully appears from the Addresses of both Houses, presented to the Lord Lieutenant on the 22d of that month, being the day before the Parliament broke up.

“ We think ourselves (say the Lords, in their Address,) under the highest obligations to your Grace, for having obtained his Majesty’s consent to those laws which we judge will secure the peace, and contribute to the welfare of this nation: and it shall be our constant endeavour, by enforcing a due execution of the laws, to promote the industry and quiet of the people; to restrain all profaneness and licentiousness, and to maintain the honour of God and Religion; from whence alone we can expect any lasting blessing on this kingdom.”

The Commons, in their’s, say: “ The power and authority your Grace is vested with, has been so tempered with candour and condescension, that the duty of his Majesty’s subjects is warmed into affection, and their obedience into gratitude.”

The next day, the Duke, in a Speech, after he had passed all the Bills that lay ready for the Royal Assent, expressed his great satisfaction at the behaviour of the Parliament during the whole Session.

When he went on board the yacht to return to *Great Britain*, the people shewed great concern at his leaving them. In fact, grateful subjects will always pay reverence and respect to an able and good Minister of State, whom they consider as a father and a protector.

On the second of *April* his Grace arrived safe in *London*, and immediately waited on his Majesty, who received him very graciously; and having laid before his Royal Master the state and condition he found and left *Ireland* in, the King publicly declared his entire satisfaction with his conduct and behaviour whilst he resided there. When the Duke went over to *Ireland*, he found that nation in general

lay under great hardships, thro' the heavy duties which were laid upon their woollen and yarn manufactures imported into *Great Britain*; which greatly encouraged smuggling between *Ireland*, *France*, and other countries, which were very prejudicial to both kingdoms. These matters his Grace, upon his return to *London*, represented to the King in Council; this had such an effect, that, at the next meeting of the *British* Parliament, they passed an Act to take off the duties from *Irish* wool and yarn, and opened certain ports in *England* for the importation of their woollen manufactures: And he likewise represented the people of *Ireland* in the light they really deserved, as to their being true and faithful subjects to his Majesty, by which he was the means of dissipating many ill impressions that had been imbibed against those brave and loyal people; and it may be truly said, that the Duke was the first who gave proper life to the spirit of trade and industry, which has been since so remarkable in that nation.

1739. Before the conclusion of the last year a war with *Spain* seemed to be inevitable, and that made the Government here apprehensive of the *Spaniards* invading *Ireland*; and therefore his Grace's presence there was, at that time, thought to be necessary; but afterwards his voyage was postponed, as the apprehension of a war with *Spain* was, in the beginning of this year, a little blown over, by a Convention being, on the 18th of *January*, signed between *Great Britain* and that kingdom. When this Convention was laid before both Houses, and published, the whole was displeasing to many. In short, as the Government on one hand was greatly censured on account of signing it; so, on the other hand, they were as strongly defended by their partisans. However, after great and many debates, as well amongst the Lords as the Commons, it was at last approved of by a majority in each House, as appears
by

by their Addreffes to the Throne. Yet the chiefs in the oppofition, after the rifing of the Parliament, printed, with a view to inflame the minds of the people againft Sir *R. W.* and his adminiftration, compleat lifts of the names of thofe who voted, in the Houfe of Commons, for and againft the Convention ; and to every one of the names of the placemen they prefixed the reputed falary, or income, each received : Thefe lifts Sir *R.*'s opponents caufed to be difperfed throughout *Great Britain*. But it is to be obferved, that the figning of this Convention made the *Spaniards* fo elate, that they refufed, in a very little fpace of time after, even to pay the money to the *South Sea Company*, which they had undertaken to do, in order to reimburse them the damage they had fufained, by the *Spaniards* not performing the *Affiento* Contract.

The *Spaniards* refufal to perform the Convention occafioned a war being declared againft them, by *Great Britain*, on the 18th of *October* this year.

Some few days before the Declaration of War was publifhed, his Grace of *Devonfhire* fet out for his government, and arrived, on the firft of *October*, near *Dublin*, where he was received, at his landing, by their Excellencies the Lords Juftices, the Lord Mayor, Aldermen, and Sheriffs of that city, and a prodigious concourfe of people, who expreffed great joy at his arrival.

On the 9th, the Duke went, with the ufual ftate, to the Houfe of Peers, and, being feated on the Throne, made an excellent fpeech to both Houfes, wherein he, among other matters, faid : “ That the prefent fituation of the affairs in *Europe* had made it neceffary for his Majefty, ftrongly to exert his power for the protection of our Trade and Commerce abroad.

“ I think myfelf (continues he,) obliged to take notice to you, that an Act has lately paffed in

Great Britain, for taking off the subsidies payable to his Majesty upon woollen and bay yarn imported into *Great Britain*, from several ports of this kingdom, and for giving liberty of carrying wool or yarn into certain ports in *Great Britain*, from several ports of this kingdom, duty free.

“I am likewise (added his Grace) to acquaint you, that his Majesty has heard, with much satisfaction, the increase of your Linen and Hempen Manufactures, and to assure you, that you may depend on his royal favour and protection.”

These accounts were so well received, concerning their manufactures in particular, that the Parliament, in their Addresses, returned the Governor their grateful thanks for the services he had done them in *Great Britain*. In fact, their parliamentary proceedings were conducted with the utmost exactness, harmony, and regularity on both sides, which contributed greatly towards preserving the public peace.

1740. As the *Spaniards* were now at war with *Great Britain*, the Duke, on the 14th of March, sent a Message to both Houses, to acquaint them therewith. In answer to this Message, the Parliament immediately returned my Lord of *Devonshire* their hearty thanks, for imparting this affair to them; after which they came to several Resolutions, in respect to putting the Nation into a proper posture of defence in case of an invasion; and withal, the Commons prayed his Grace, that 5000 new firelocks might be immediately contracted for in *Ireland*, besides other accoutrements necessarily used in time of war; all which were instantly done; and as the Government of *Great Britain* was afterwards obliged to send over for some of the *Irish* regiments, he gave orders for instantly arming and disciplining the Militia in the different Counties of the Kingdom, who shewed such readiness to be serviceable to their country, that they learnt their exercise with surprising expe-

expedition, and, when drawn out, made so good an appearance, that the absence of the regular forces was scarcely missed, insomuch that their Governor's vigilance and care in providing every thing in his power, in order to defeat any attempt the enemy might make to disturb the public tranquillity, was received by the whole Kingdom, not only with universal applause, but acknowledged by several Addresses to him, couched in the most dutiful and respectful terms; so that, in short, there had been seldom or ever seen before such a harmony and goodwill between the Parliament and a Lord Lieutenant, as then subsisted.

Their beloved Governor not only passed, but suggested to them many Bills, greatly to the advantage of both Kingdoms; and when the business of Parliament was gone through, much to the satisfaction of all concerned, both Houses, by repeated Addresses, expressed the grateful sense they and their Constituents had of the wisdom and uprightness of his Administration.

His Grace, on the 31st of *March*, went to the House of Peers, and in a speech to both Houses said, "That he had, with great satisfaction, obeyed his Majesty's commands, in giving the Royal assent to the many useful Bills which they had prepared, and he assured himself that they needed not be put in mind how necessary it would be, in order to reap the full benefit of them, to carry them into a due and impartial execution.

"And (says the Duke,) it is with much pleasure I observe, from the Addresses of both Houses, that my Administration has been agreeable to you; and as I shall always have the welfare of this Kingdom at heart, you may depend on my best endeavours for your service."

Then the Lord Chancellor prorogued the Parliament, and his Grace, after having received the compliments

ments of the Nobility, Gentry, and others, wishing him a safe voyage, embarked for *Great Britain*.

On his Grace's arrival, he was most graciously received by his Royal Master; and on the 12th of *May* was appointed one of the Regents, for the Administration of the affairs of this Kingdom, during his Majesty's stay beyond sea.

The latter end of the last year Admiral *Vernon* took from the *Spaniards*, *Porto Bello*, with six ships only. When the news of this success reached *London*, the Gentlemen in the opposition altered their plan, and now used their utmost endeavours to have all honours paid to the Admiral on that account; and then the whole Nation seemed resolutely bent to carry on the war with vigour. Still the opposition did not fail to depreciate every action wherein Sir *R. W.* had an immediate hand; nay, this was not all; they began in the House of Commons, and moved for an Address, to remove him from all his Places, &c. in which they miscarried.

On the 13th of *February* this year, Lord *C---r---t* made a motion, in a certain House, to address the King to remove Sir *R---W---*, (then Prime Minister) from all his places, and also from his Majesty's presence and councils for ever.

This motion being seconded, the Duke of *M---l---b---gb* moved, "That a censure should pass upon any one, who attempted to condemn another unheard;" and herein he was immediately followed by the Duke of *Devonshire*, who, with his wonted magnanimity, and from that natural propensity which he always had to the strictest rules of justice and equity, expressed himself in the following terms: "The motion made by the noble Duke is of such a kind as no opposition can be expected, or feared; yet I rise up to second it, lest it should be imagined, that what cannot be rejected, is yet unwillingly admitted.

" That

“That where this maxim is not allowed, or adhered to, rights and liberties are but empty sounds. It is incontestably evident, if this principle be forsaken, the guilty and innocent are equally secure; then all caution is vain, and all testimony useless, if caprice in our Courts shall supply the place of reason; and consequently all evidence, in such cases, must give way to malice or to favour.

“I hope, therefore, my Lords, your regard to justice, to truth, and to your own safety, will influence you so far, as to confirm this great and self-evident principle, by a standing resolution, that may not only restrain oppression in the present age, but direct the judiciary Proceedings of our successors.”

It plainly appears, from this Speech, that, whatever the Duke private sentiments were of Sir *R--t's* administration, yet neither passion nor prejudice could ever induce him to concur in a motion, which appeared inconsistent with the dignity of the supreme Court of Justice, wherein he sat. And certainly it must be allowed, that to condemn the most corrupt Minister on earth, without first entering into the merits of the cause, and proving the facts alledged against him, is a most irregular and iniquitous proceeding. The more obnoxious a criminal is, the more fair and candid his trial ought to be; and it is here to be observed, that as several noble Lords strongly supported what the Duke had urged, and by many arguments endeavoured to shew how unreasonable the motion was; so, on the other hand, Lord *C--r--t's* motion was as strenuously insisted upon. However, after two days debating this important affair, the first motion was rejected, and at the same time the Duke of *Devonshire's* assertions were highly commended by several disinterested persons.

For my Lord *C--r--t's* motion there were four Dukes, twenty one Earls, two Viscounts, one Bishop, and twelve Barons: Against it, the Arch-
bishop

bishop of *Canterbury*, four great Officers of State, thirteen other Dukes, one Marquis, twenty-one Earls, two Viscounts, fourteen Bishops, and twenty-one Barons. *Pro*, 40; *Con*. 77. Majority, 37.

The E. of *Oxf*—d opposed this motion, saying, as he saw no evidence produced, he thought it cruel.

1741. This year his Grace was appointed, a second time, Lord Lieutenant and General Governor of *Ireland*; which news was received, by the people of that country, with all imaginable joy and satisfaction. In *September* he set out for his government, and landed safe in *Dublin* on the 23d, where he was received, if possible, with rather greater honour and respect than before.

On the 6th of *October*, the Lord Lieutenant opened the session of Parliament with a speech from the Throne, in which he expressed himself as follows:

“ His Majesty, from his paternal regard for the welfare of this kingdom, hath commanded me to meet you again in Parliament, in order to concert such measures as may most effectually conduce to the happiness and prosperity of this nation; and the experience I have had in two former sessions, leaves me no room to doubt, but that you come fully resolved to give fresh instances of your zeal for the public service, and of your inviolable attachment to his Majesty’s royal person and government.

“ It is with much satisfaction I can observe to you, that during a war, in which his Majesty is necessarily engaged, for the protection of the trade of all his dominions, there hath been no increase in the charge of the Establishment.

“ I doubt not but that you will, with great readiness, raise such supplies as are necessary to support his Majesty’s government with honour, and provide for the national debt; and you may be assured, care shall be taken, that what is raised be duly applied to the uses for which it is intended. But as it hath
been

been found, by experience, that the Laws now in being are not sufficient to stop the iniquitous practice of the clandestine running of goods, it will be well worthy of your zeal for the Public, to provide such remedies, as may put a stop to so great an evil."

The Lords, in their Address of Thanks, among other dutiful and affectionate expressions, said: "That his Grace's administration had been a continued series of wise and good actions, by which he had manifested his sincere desire to render them a happy and flourishing people." The Commons, in their's, gratefully acknowledged, "That by his frugal management, no increase had been made in the charge of the Establishment, during the war in which his Majesty was necessarily engaged." They, at the same time, took notice, "that the Laws now in being were not sufficient to prevent smuggling; but they promised to provide such remedies as should protect the fair trader, and stop the clandestine running of goods, so detrimental to the Revenue."

The Parliament, this session, made all the dispatch they possibly could in the public business; inasmuch that, before the end of *December*, great part of it was gone through.

But before the Duke set out for *Ireland* this year, Sir *R. W.* found himself so violently and incessantly attacked, that, in order to obtain that repose which he had been long a stranger to, he resigned all his Places, and was thereupon created Earl of *Orford*; soon after which, his great antagonist, who had raised such a storm against him in the House of Commons, was likewise called up to the House of Peers. This latter, (as it was believed,) expected, on Sir *R.*'s resignation, to have been made first Lord of the Treasury, and Chancellor of the Exchequer; but herein he was disappointed; as the Earl of *Wilmington* was promoted to the one, and Mr. *Sandys* to the other.

Thus ended the Administration of Sir *R. W.* who had been Prime Minister for twenty years; during all which time party feuds ran so high, as were of infinite prejudice to *Britain*. Tho' Sir *R.*'s measures are not always to be justified, (nor those, perhaps, of any Minister that ever existed, as the wisest and best of men are so apt to be mistaken,) yet this must be allowed, by every man who knows any thing of the world, that where the spirit of opposition reigns, a Minister's conduct, whether right or wrong, will be always condemned, his upright intentions misconstrued, his wisest plans either attributed to others, or greatly depreciated, and the slightest miscarriage aggravated into the most enormous crime. This has ever been, and ever will be, the fate of Ministers, whether good or bad, so long as men are actuated by the same passions, and envy, party feuds, and self-interest prevail in the world. How many examples are there in former ages, (we wish we could add, that there were none in the present,) of those who have talked the loudest of their Patriotism, and at the same time shewn, by their actions, that the welfare of their country was the least thing they had in view. And here we shall conclude the year 1741*.

1742. We left the *Irish* Parliament sitting at the end of the last year, and we find that, before the middle of *February* this year, the business of the session was gone through; so that, on the 15th of that month, his Grace came to the House of Peers, and, being seated on the Throne, gave the Royal Assent to all such Bills as were ready. But before that, both Houses of Parliament addressed his Grace, wherein they congratulated him in the following remarkable manner, viz. "First, on the tranquillity and happiness the nation had enjoyed under his Grace's gentle and pru-

* The Earl of *Orford* died in the year 1745.

gent Administration. Secondly, for the candid and mild manner in which he had been pleased to lay before them the true state of their circumstances, which justly demanded their most hearty thanks." Adding, "That they were satisfied he would take their immediate and chearful supply, for the answering the exigencies of the government, as an undoubted proof of their attachment to his person and Administration, and also of their care for the public credit." The Duke's answer was suitable to their Address.

His Grace, at the close of the session, was pleased to make a Speech to both Houses, an extract of which follows: "I return you thanks, in his Majesty's name, for the supplies you have granted with a remarkable unanimity.

"It is very agreeable to his Majesty to observe the care you have taken to ease your fellow subjects, with a due regard at the same time to parliamentary credit, by reducing the interest of a considerable part of the national debt, and by raising what was necessary for the publick service at a lower rate of interest than hath been hitherto known in this Kingdom.

"Your readiness, on all occasions, to make my Administration easy, particularly engages me to continue my best endeavours for the interest and welfare of this kingdom; and the repeated proofs you have given of your zeal for his Majesty's service, will oblige me to lay hold of every opportunity, at my return into the royal presence, to represent you to his Majesty, as his truly loyal and faithful subjects."

When their Governor left *Dublin*, the people in general expressed their sorrow and concern at his departure.

As soon as his Grace arrived in *London*, which was the latter end of *February*, he waited upon the King, by whom he was most graciously received;

after which he took every opportunity, as before, in speaking of the state of the *Irish* manufactures, commerce, and agriculture, and the wisdom it would be to encourage them; in fact, his Grace's solicitations on the behalf of those people had so much weight, that they scarcely knew, from any extraordinary expence then, that *Great-Britain* was war with *Spain*.

In the mean time, the dissensions at home, which we have before expatiated upon, were still subsisting, which greatly interrupted the public tranquillity, and were the means, in some measure, of sowing those seeds of rebellion, that were raising, and broke out three years afterwards; and as a sort of prologue to it, many libels were now dispersed up and down, representing, that the people of *England* were quite tired, as they said, of *German* connexions, and therefore were ready to shake off the *Hanoverian* yoke, as the disaffected termed it; and what added to the probability, were the broad insinuations thrown into almost every Instruction, as if the Act of Settlement had been violated.

Hence it was, that many *Jacobites* believed the train of Rebellion so well laid, that the smallest spark was sufficient to set it on fire. *France* herself was also of the same opinion, and she, upon that presumption, began to tamper with the old Pretender and his son; and, indeed, the chief reasons that led them into this belief, were from some political papers, as well as the strong opposition that was made against the taking the *Hanoverian* troops into the pay of *Great-Britain*; but those connoisseurs found how much they were mistaken, when they afterwards saw the behaviour of the lower class, which are the bulk of the people, on the breaking out of the Rebellion.

1743. In *September*, this year, his Grace set out again for *Ireland*, and soon got safe to *Dublin*, where he

he was received with all imaginable joy and satisfaction, by the people in general.

On the 6th of *October* his Grace met the Parliament, and at the opening of it, made a speech to both Houses, some part of which follows:

“My long experience (says his Grace to them,) of your firm attachment to his Majesty’s person and Government, of your steady love and unanimity in seconding his royal care for the prosperity of the Kingdom, and of your obliging regard, on all occasions, to the ease of my Administration, has greatly heightened the pleasure, with which I received his Majesty’s commands to meet you again in Parliament.

“Your attention to improving the Flaxen and Hempen Manufactures, and every other measure, which may conduce to the trade, security, and welfare of the Kingdom, will be the most agreeable to the King, who is the common Father of all his people.

“You may be assured that I shall, with the highest satisfaction, concur with you in every thing that may promote the publick good, and upon all occasions contribute my best endeavours for advancing the happiness of the people of *Ireland*.”

Both Houses resolved on dutiful and loyal Addresses to the King, and also Addresses to the Lord Lieutenant.

The Lords, in their Address to his Grace, say:

“We sincerely congratulate with the whole people of *Ireland* on your Grace’s happy return, and esteem it as a distinguishing mark of his Majesty’s paternal goodness, that he has again committed the Government of this Kingdom to your Grace, whose long experience, fidelity, and wisdom are so well known.

“Your Grace’s approbation of our former conduct, lays us under an additional obligation to continue our just regard for the ease of an Administration, which has been directed to the happiness and prosperity of this Kingdom.”

The

The Commons, in their's, say :

“ We are thankful for your providing so large a quantity of arms for the Militia.

“ The advancement of our Trade, more especially the Flaxen and Hempen Manufactures, is a matter of such importance, that we cannot sufficiently acknowledge your Grace's goodness in recommending its farther improvement; nor can we forbear to express our gratitude for the encouragement which has been given to it, during your Grace's Administration.

“ His Majesty's continuing your Grace in the Government of this Kingdom, is a pleasing instance of his paternal regard for the welfare and happiness of his people of *Ireland*.” And in the conclusion they said, “ That they would contribute every thing in their power to make his Administration as easy to him, as it would be advantageous to themselves.”

Both Houses of Parliament, after the Addresses were presented, and they had received suitable Answers, proceeded, with surprizing dispatch, on the several important affairs before them, and did every thing in their power agreeable to what they had promised their Chief Governor, to make his Administration easy and agreeable to him. And it is here to be observed, that it was now acknowledged, both in *Britain* and *Ireland*, that the natural interests of both people were, that those of the latter should apply themselves to the improvement of the Linen Manufactory, in which they could have no rivalry with *England*; and therefore an Act was brought into the *Irish* Parliament, and passed this Session, for the farther improvement of the Hempen and Flaxen Manufactures, and to encourage the raising of Flax-seed in the Kingdom. There were also some Bills passed, for granting aids for the support of the Government of that Kingdom.

1744. The Speaker, upon presenting them, on the 9th of *February*, to his Grace, for the Royal Assent, made a very handsome Speech.

But the Addresses, which the Lords and Commons the day before delivered to the Duke, contain such warm expressions of real affection, as can come from nothing but the heart. In the former, they tell his Grace, "That they think themselves bound, by the highest gratitude, to acknowledge the great obligations they are under to him, for his prudent and wise Administration; that the unanimity and dispatch, wherewith the national business had been carried on, would be lasting proofs of the prudence and justice of his conduct, through the whole course of which it appeared, that he had no other view but promoting his Majesty's service, and the real interest and welfare of that Kingdom: That his Majesty's great wisdom and paternal care of his subjects of *Ireland*, had been in no instance more conspicuous, than in the continuing his Grace in that Government, as they found, from repeated experience, that the same qualifications which had so justly recommended him to the King's favour, had also gained him the universal esteem and affection of that people." The sentiments of the Commons are full of equal warmth and gratitude; they say, in their Address, "That they think themselves indispensably obliged to declare their entire satisfaction of his frugal and prudent administration. We are truly sensible, (continue they,) of his Majesty's paternal care and concern for the interest of this Kingdom, in sparing, at this time, from his Councils, your Grace, whose great abilities and known attachment to his sacred Person and Government, have added honours to a family, long since distinguished in the cause of Religion and Liberty."

On the aforesaid 9th of *February*, the Lord Lieutenant, after giving the Royal Assent to several Acts,
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he, at the close of the Session, made a Speech to both Houses, wherein he told them, "That as he should always esteem it as the highest honour to have been intrusted with the government of that kingdom, so he should think himself happy if he could, upon any occasion, contribute to its prosperity."

His Grace had been now six years Lord Lieutenant of *Ireland*; and it may be justly said, none in that office ever governed with more wisdom, or gained more on the people's affections. At the same time that he maintained all the splendor and magnificence of a Viceroy, the public expence was managed with such prudent oeconomy, that the nation was scarce sensible of the burden of a war, which lasted during the greater part of his Administration; when the mother-country was not only almost sinking under its weight, but torn in pieces by party feuds and divisions. There cannot be a more glorious nor more authentic instance, how much his Grace was beloved and honoured in that kingdom, than the public testimony he received, both from Lords and Commons, on his putting an end to the last session of Parliament. Such testimonies as these will do immortal honour to the Duke of *Devonshire*, whose name is still dear to *Ireland*, and never mentioned without the highest marks of esteem and veneration.

This year *France* declared war against *Great Britain*, and soon after we received the bad news of our grand fleet having, in the main, miscarried in their attack of the united fleets of *France* and *Spain* off *Toulon*, which was principally owing to a difference that had arisen between two of our chief Admirals; for that engagement, if it had been rightly and properly attended to, would have been the means, in all probability, of putting an end at once to the war. It is an old but a true saying, that one misfortune seldom comes alone; for we were, the following

following year, as unfortunate in our land engagement in *Flanders*: There we lost the battle of *Bontenoy*.

Henry P—m, Esq; was, some little time before these actions, made Chancellor of the Exchequer, in the room of Mr. *Sandys*, who was created a Peer; and also first Commissioner of the Treasury, in the place of Lord *Wilmington*, who was now grown old, and therefore he retired from business.

On the 12th of *June* his Grace of *Devonshire* was appointed Lord Steward of the Household, and in *December* following resigned his high Office of Lord Lieutenant of *Ireland*, which was very disagreeable news to the people of that country in general*.

1745. His Majesty, as soon as the Parliament broke up, about the middle of this year, declared in Council, that he was resolved to go abroad, and visit his dominions in *Germany* for a short time; and thereupon he appointed his Grace of *Devonshire*, and other Lords, to be of the Regency during his absence. It was whilst the King was at *Hanover*, that a dangerous Rebellion, in the month of *September*, broke out in *Scotland*; so that, when he returned to *Great Britain* soon after, he found his kingdom involved in great confusion: Yet every one expressed their joy, as well as duty and loyalty, on his Majesty's safe arrival; which might be clearly perceived in the countenances of all his faithful subjects, even from the highest to the lowest, save a few unhappy, misled *Jacobites*, and their adherents. This behaviour of the people seemed to promise a happy deliverance from the calamities we then laboured under; which, however, was not effected before the next year.

1746. His Royal Highness the Duke of *Cumberland*, before the end of the last year, was constituted Commander in Chief of the Forces in *Great Britain*;

* This year died *Sarah*, Dutchess Dowager of *Marlborough*; and also that inimitable, pleasing Poet, *POPE*.

and, after following the Rebels into *Scotland*, with whom he had some skirmishes in the way, at last came to a general engagement with them, on the 16th of *April*, at *Culloden*, where the Duke obtained a complete victory, which soon put an end to the Rebellion; so that, in the month of *June*, he returned to *London*, amidst the acclamations of a grateful people.

Now it fully appeared, that the Libellers, as well as the *French*, were much out in their conjectures, seeing the former had asserted, and the latter believed, that the people were tired of the *Hanover* succession, and ripe for Rebellion; when, on the contrary, they acted a part which was the very reverse; for no people on the face of the earth, from the head to the foot, could behave better on so trying an occasion than they did, in opposition to the Pretender, and all his open and secret abettors.

1747. This and the preceding year we were very unfortunate in our war in *Flanders*, so that the nation seemed to be partly tired of it, especially as it had hitherto been attended with so ill success; nor were the *French*, tho' they had the advantage over the *English* in those parts, much better satisfied, upon account of the infinite losses they had sustained elsewhere. In short, they were as much desirous of peace as *Great Britain* could possibly be.

1748 was famous for concluding a Treaty at *Aix la Chapelle*, which by some is stiled *The Hostage Treaty*, upon account of *Britain's* sending hostages to *France*, as pledges for the performance of the conditions stipulated in some of the Articles of that Peace. A late Writer says, "That the real design of the *French*, as to then making peace with *Great Britain*, was, that they might have time to take proper measures to deprive us of our valuable possessions in *North America*, and also of raising a powerful Navy, so as to render *France* superiour to *Great Britain* upon the Ocean."

Ocean." These certainly were their real views; but, God be praised, both one as well as the other were defeated in the course of the last war.

This year the King visited his *German* dominions, when my Lord of *Devonshire* was again appointed one of the Regents in the King's absence abroad.

1749. His Grace had, for some time, thoughts, which every wise man has at a certain time of life, of retiring from public business, and living the remainder of his days in ease and content, far from the noise and hurry of a Court. It was in the month of *June* this year he did, what before he only intended, for now he actually resigned his Place, and went to his seat at *Chatsworth*, "*which he did without the least disgust, either with the times or the government.*" This is part of the account that a modern Writer gives of this incident; wherein we cannot entirely agree with him, as there is all the reason in the world to believe, that one, who had the glory of his country so much at heart, could not in general approve such a Treaty as had been made, the year before, at *Ain la Chapelle*, which, without all dispute, was in one respect the strangest that *Britain* ever submitted to; we mean that of sending hostages to *France*, as pledges for our performing some articles in it. We presume, on this occasion, it is not unnatural to imagine, that his Grace remembered the part his great ancestor, Sir *William Cavendish*, acted, when he heard some in the then Ministry, of which he was one, speak very unjustly of his deceased Master, he at that time forbore replying, well knowing it would answer no other purpose, than that of drawing on himself their ill will, and *not quench* (as that Gentleman wisely said) *one spark of their untrue reports**; so, likely, as his Grace found the major part of the Council were for having an immediate end put to the

* See Preface to Sir *William's* Life of Card. *Wolsey*.

war in the manner it was done, his opposing it would be of little avail, and therefore thought it more prudent, for the present, to remain silent. Yet the Reader sees, that the very next year after the Peace, he resigned his high office, and retired from all business. How far different did he then act from some, who, instead of endeavouring to raise loud clamours, and to clog and embarrass those wheels of government he might probably see out of order, was always ready, when called upon, to do every thing in his power to rectify their motions, maintaining the same untainted loyalty to his Sovereign and affection to his country, whilst at a distance from Court, as when he sat at the Council Board. This invariable conduct it was that rendered him, as the same Writer observes, so justly beloved and honoured by all parties, tho' parties at that time ran very high. His late Majesty, in short, no less convinced of the Duke's unshaken integrity, and real affection to his Royal Person and Government, than of his great abilities, was always unwilling, when he experienced the loss of him at the Council Board, by his retirement from public business, to conclude any measure of great importance there, without his Grace's participation.

1750. His Grace was now calmly seated at *Chatsworth*; where a Gentleman, in his tour, paid him a visit, who was so delighted with its grandeur and situation, that he thought proper to draw up a particular account, both of the one and the other. As we have already spoken largely of this palace in the Life of the second Duke, we shall only give an extract of it, as follows :

“ It is really surprizing to think, what a genius it must be, that should lay out so great a design in such a place, where the mountains intercept the clouds, and threaten, were earthquakes frequent here, to bury whole towns, and, what seems equal to a town, this house, in their ruins.

"One plain, which extends from the top of this mountain, is a large body of water, which takes up near thirty acres, and, from the ascents round it, receives, as into a cistern, all the water that falls; which, through pipes, supplies the cascades, water-works, ponds, and canals, in the gardens.

"Before the west front of the house, which is the most beautiful, and where the first foundress built a very august portal, runs the river *Derwent*, which, though not many miles here from its source, yet is a rapid river; when, by hasty rains, or the melting of snows, the hills pour down their waters into its chanel; for the current, by reason of its many contracted passages among the rocks, (pieces of which, of an incredible bulk, come sometimes rolling down its stream,) on the least motion of its waters above their ordinary height, roars like the breaches on the shores of the sea.

"Over this river is a stately stone bridge, with an antient tower upon it; and in an island in the river an antient fabric, all of stone, and built like a castle; which are the works of the said foundress, and shew the greatness of the original design; but are all, except the bridge, eclipsed, as it were, by the modern glory of the late edifice.

"The front of the garden is a regular piece of architecture; the frieze under the cornice has the motto of the family under it, in gilt letters, so large as to take up the whole front, though the words are only these two, *CAVENDO TUTUS*; which is no less applicable to the situation of the house, than the name of the family.

"The sashes of the second story, we are told, are seventeen feet high, of polished looking glass, each glass two feet wide; and the wood-work double gilt.

"Under this front lie the gardens, exquisitely fine; and to make a clear vista, or prospect, beyond, into the flat country, towards *Hardwick*, another seat of the same

same owner, the Duke (to whom those things, which others thought impossible, were practicable) removed a great mountain that stood in the way; and which interrupted the prospect.

“In the usual approach to this noble fabric, it presents itself thus: first, the river, which, in calm weather, glides gently by; then a venerable walk of trees, where the famous *Hobbes* used often to contemplate; a noble piece of iron work, gates, and balusters; expose the front of the house and court, terminated at the corners next the road with two large stone pedestals of Attic work, curiously adorned with trophies of war, and utensils of all the Sciences, in basso-relievo. This part of the building is Ionic, the whole being a square of a single order, but every side of a different model; a court in the middle; with a piazza of Doric columns of one stone each, overlaid with prodigious architraves. The stone is of an excellent sort, veined like a marble, hewn out of the neighbouring quarries, and tumbled down the adjacent hill. In the anti-room to the hall are flat stones of fourteen feet square, laid upon the pillars, and so throughout. In the hall-stairs, the landing steps are of the same dimensions; the doors, chimneys, window-cases, stairs, &c. all of marble; the ceilings and walls of all the apartments charged with rare paintings of *Verrio*, and other famous hands; the Bath-room all of marble, curiously wrought.

“The Chapel is a most ravishing place; the altar-end and floor, marble; the seats and gallery, cedar; the rest of the wall and cieling, painted.

“The gardens abound with green-houses, summer-houses, walks, wildernesses, orangeries, with all the proper furnitures, and statues, urns, greens, &c. Besides, Nature has laid itself out in an amazing variety of delightful prospects; a fine river below, with fine banks, some naked and rocky, others declining
and

and woody, many smooth, and proper for walking; large groves and fish-ponds, and canals between the river and the house; which rises proudly upon several terraces, and has behind it a great lawn, intermixed with plantations and long walks, all rising one above another; at first gently, afterwards over vast precipices, to the top of a high mountain, which was all covered upon the brows with high trees, two or three miles on either side; then breaks into a thousand vales and green hills; then, resuming its former height and bulk, proceeds again a mighty mountain, covered with rocks and heath, its sides in many places adorned with wood; the whole yielding a most extensive prospect of many miles. Every body has heard of the great cascade.

“I should never have done, were I to say all that might be said of this august place. But one historical circumstance in its honour must not be forgotten, viz. That *Mary Queen of Scots* was, for seventeen years, in custody in this house, under the care of the celebrated Foundress of it. In memory of this Royal Captive, the new lodgings, that are built instead of the old, are still called the *Queen of Scots apartments*.

“The late Mr. *Colley Cibber* (who was an excellent dramatic poet, and an inimitable Comedian, but above all, an honest, charitable man) left upon the walls of the Bowling-green house a memorandum of his having visited this superb palace; and humanely deplored the fate of that unfortunate, beautiful Queen, in a handsome compliment upon this princely edifice, in the following lines:

“When *Scotland's* Queen, her native realm expell'd,
In antient *Ghatfworth* was a Captive held,
Had there the pile to such new charms arriv'd,
Happier the Captive, than the Queen, had liv'd.
What tears, in pity of her fate, could rise,
That sound the fugitive in Paradise.”

1751. This year, *Frederick Prince of Wales*, after a short indisposition, departed this life, to the great regret of the whole nation; and nothing could have repaired such a loss, were it not for the happy effects of his marriage with the Princess of *Saxe-Gotha*, whose personal merit, exclusive of her illustrious birth, induced his late Majesty to fix his choice on her, before any other Princess in *Europe*. This will render his name ever dear to *Britain*. The strictest care had been taken of his Royal Highness's education, whilst he remained in *Germany*. Besides the early progress he had made in those severer studies necessary for one who is born to Royalty, he was naturally fond of the fine arts, and knew what was graceful in Architecture, Sculpture, Painting, and Music. He made himself a perfect master of the *English* language, and had a taste for the beauties of our Poetry, far beyond what could have been expected from his education. A very judicious foreigner, who, in the account of his travels, has given characters of most of the Princes of *Europe*, when he speaks of our Royal Family, draws the following picture of his Royal Highness. "The Prince of *Wales*, (says he,) tho' of a moderate stature, has a majestic air, and, when among the Courtiers, is easily distinguished to be the chief personage. He is extremely civil, affable, good-natured, and polite. It may be truly said of him, that he has the soul of a King; for few Princes are more generous. He loves magnificence, is gallant, has a penetrating genius, and always talks with judgment, and to the point. He is master of several languages, and understands History and Geography. He is perfect in all his exercises, and really is not ignorant of any one thing that a Prince of his rank ought to know. The *Hanoverians*, among whom he was educated, adored him, and the *English* seem altogether as fond of him."

The justice of these remarks is confirmed by many of our own Writers, of whom, for brevity's sake, I shall single out only one, who, in speaking of the Prince, uses these expressions: "He was passionately fond of virtuous popularity, and his soul was beneficence itself. With such dispositions, it was no wonder, after he came to *England*, that he devoted himself to the study of every art that could make him agreeable to the people, whom he had a prospect of reigning over. All ranks met his ardour with equal affection. He gave daily proofs of every virtue, as a husband, a friend, and a master; and, like *Titus*, none ever went out of his presence dissatisfied."

What reason should we have had still to look on such a loss as a public and irretrievable calamity, had not Providence, which disposes all things for the best, when it deprived us of so great a blessing, been graciously pleased to restore it double-fold in a son and successor, who has shewn by every action of his life, both before as well as since his Accession to the Throne of his ancestors, that his soul not only glows with the same ardor for the welfare of his people, but that he even exceeds his beloved Sire in all those public and private virtues, which rendered him the darling of mankind.

1752. Not many months after the death of the Prince of *Wales*, it appeared the *French* had little else in view than what we have before mentioned, as to gaining a superiority over us on the Ocean; but the nature of this performance will not permit us to enter into a minute detail of the perfidious proceedings both of *France* and *Spain*, after the conclusion of the aforesaid Hostage Treaty. Suffice it therefore to say, that every one remembers the wretched condition we were in at that time, inso-much that the very name of *Briton*, once the terror of its enemies, was, before the end of the year 1754, become the object of their contempt. This

was undoubtedly owing to our not instantly repelling force against force, as soon as the *French* or *Spaniards* had committed hostilities, let their pretences have been what they would, and not entered into any farther negociations with such sort of people*. In short, by neglecting so to do, it exposed us to such insults, and that even from petty States, as were scarce ever submitted to, except by a conquered people; which made many at a distance fancy the *Britons* had lost their antient courage, and were reduced to so low an ebb as not to be able to encounter their enemies; yet, tho' in this they were greatly mistaken, it encouraged a few *tattling* foreign writers to treat us very contemptuously; nay, they seemed to triumph in our misfortunes; and none more so than those who were under the highest obligations to us. In the foremost rank of these stands the famous *Voltaire*, who had formerly exerted his whole wit and abilities in extolling a nation, where he had met so generous a reception; but now employed the same talents in describing the proud In-

* We have already mentioned, that such was our Sovereign's esteem and value for his Grace's known zeal and affection for his royal Person and Family; that, even after he was retired from business, his Majesty did not care to conclude any matter of consequence at the Council-Board, without first consulting the Duke; nay, even sometimes, as the author has been credibly informed, when matters of high importance have arisen, special messengers have been sent to his Grace at *Chatsworth*, to come to town: And once in particular, an affair of consequence had been so differently related, that the King could not then learn the real truth of the matter; therefore, to have it instantly cleared up, as much as the case would admit of, enquiry was made after my Lord of *Devonshire*; but finding he was at *Chatsworth*, his Majesty next asked for the Duke of *Montagu*, who was at *Whitehall*; whereupon the Gentlemen in waiting sent to the Duke immediately to attend. When the messenger was gone, it has been confidently averred, that his Majesty should say, on the occasion, to those about his royal person, "*We are sure of learning the truth from either of those faithful Counsellors.*"

ularies;

fularies (as he was then pleased to term our countrymen) as a pusillanimous race, wholly degenerated from the virtues of their forefathers *. We shall say no more of this perpetual Writer, (who, it is reported, intends shortly to pay us a fresh visit,) than that, if he has not lost all sense of gratitude, he should at least have had so much regard to his own reputation, as not to have contradicted himself in so gross a manner, and this against the dictates of his own conscience. But let us tell him, that his latter historical Accounts in general will be seen in a far different

* A Gentleman waited on a noble Earl about the year 1754, who was just returned from *France*. In discourse, speaking of the condition our country was in, he said, when he was in *Paris*, he accidentally got sight of the copy of a Memorial drawn up by one of the *French* Ministers, and laid before his Master, in which was contained his advice as to the present steps that were necessary to be taken in respect to keeping the closest attention to the encreasing their ships of war, &c. and at the same time encouraging their Marine; but by no means to break again with *England* till the year 1760. For then, says the Memorialist, "*France* will be enabled to cover the seas with her Fleets, whilst probably the *English*, by neglecting to keep up their Naval Force, as they are at peace with the whole world, would be the easier conquered, by our falling on theirs at a time the least expected, and thereby gain, at one stroke, what the *French* have had in view for above a century past." For my part, continues he, I tremble at what may be the consequence of all this. However, he added, that nothing should be wanting in him, to prevent the impending storm, that was gathering, from destroying us; and for that end, says he, I will mention the particulars of what I have learned, in a certain Grand Assembly, even this very day. Then the Earl and the Gentleman parted. Soon after, the latter followed the former to that Assembly, and there he heard him explain at large what he had found in the Memorial, a copy whereof he produced. Sometime before this interview, a piece was published, entitled, *The Groans of Great Britain*; and on this occasion a pamphlet was also published, entitled, *The man's mistaken, who thinks the taxes so grievous as to render us unable to maintain a war with France*; which concludes thus: "Let but the muzzle be once taken off, and it is probable yet, that the Fox may tremble when the Lion roars;" and so it at last did to some purpose.

light than what he may imagine; for tho' he may promise himself immortality from them, future ages will not recur to his writings for the truth of several facts. It cannot, indeed, be denied, that even a wise and brave nation may, on certain occasions, be so unfortunately circumstanced, thro' the impositions of those in whom she confided, as to be duped and bullied for a time. This was then our case. But what was the consequence? Did we continue to sit down tamely under the yoke, and, like so many spaniels, fawn on those who shook the whip at us? No. The moment we began seriously to reflect on the treatment we had for some years met with, the ancient *British* ardour began to kindle in every one's breast; and the *French* found, to their cost, that a sleeping lion is not to be played with. The superiority we afterwards gained over them in all parts of the globe, is so astonishing, as cannot be paralleled in history, and, it is to be hoped, will teach the *French* so much wisdom as not to provoke us again.

Now let us speak of some part of our great man's conduct and behaviour in private life.

He was truly great in that particular virtue, which by the sacred Divine is styled *the very bond of perfectness*. Having made it his constant attention, during the whole course of his life, to promote many useful and public charities, by continually appearing at the head of such, and encouraging them. Indeed, it was very evident, that many of these benevolent supplies would have dropped, if it had not been for his, and the united assistance and support given them by two other most noble Dukes, those of *Richmond* and *Montagu*.

When *Devonshire House* was rebuilt, one of our Ministers of State, [*H—e W—e, Esq;*] who was as remarkable for a blunt way of speaking as he was for his sincerity, paid the Duke a visit. After his Grace had shewed him his new house, he asked
him

him what he thought of it? "*Why* (says he) *I think it something like the Master; plain and good without; but one of the best inside houses in Britain* *."

Devonshire House makes a very handsome and substantial appearance towards the street; but for the grandeur within, both in respect to high finishing, convenience, and the magnificence of the furniture, there are but few if any of our Nobilities houses that can excell it in *London*.

As to his Grace of *Devonshire*, he spent the most part of his time, after he had retired from Court, at *Chatsworth*, till his death; during which, he generally conversed with his friends and neighbours, with that cheerfulness and condescension, that bespoke the

* The deaths of the above three illustrious Noblemen, that followed soon after one another, were justly esteemed an universal loss, and as such lamented by all honest men, and whose names and memories will be revered and respected to latest posterity.

As the following lines justly represent one part of the late Duke of *Richmond's* character, we shall introduce them:

"Bless'd in the vision of effulgence bright,
Where happy souls their Maker's name repeat,
Where spring eternal blooms to cheer the sight,
And notes seraphic ev'ry joy complete;
Thy bless'd transition, *Lenox*, who'd deplore?
Or grieve to earth's dull joys thou art no more?
But when, with pensive breaths, we trace thy mind,
Thy hand still open to each bounteous deed;
Thy ear to ev'ry wretch's grief inclin'd;
Then ev'ry *Briton's* melting heart doth bleed;
When we recount thy godlike virtue o'er,
Then we repine that *Richmond* is no more.

A friend, speaking of the generous actions of the late Duke of *Montagu*, seeing the Duke of *Manchester* pass by in his chariot, said,

See the Ducal arms ensign'd,
(Great *Montagu's* with *Montagu's* combin'd)
Auspicious name, whose sound to all imparts
The love of Learning and of social Arts!

Meaning that the Duke of *Manchester's* arms were the same as the late Duke of *Montagu's*, being both of the same family.

truly

truly great man. * In a word, though it is very difficult, as many wise men have experienced, that of

* It is remarkable that the *Devonshire* noble family have met with as little envy and detraction, as any that ever filled so many important places as they have; owing, as I was going to say, to their being by all approved. However, this leads me here to consider the condition that generally attends great Ministers, extracted from the writings of one who had long experienced the temper and disposition of some of them.

“ Those who view these exalted men at a distance, are apt to measure their happiness by their greatness; and, as they do in other things, take appearance for proof. They see the elevation of great men; the shew they make, the numbers that follow them, and the obedience and adoration that is paid them, and from all this infer a suitable degree of felicity. But this is a wrong way of reasoning, as may be seen in many instances. In fact, the world does not afford more unhappy persons than those who seem to abound with happiness.

“ For trifles are capable of mortifying the most exalted men, because the most exalted think they ought not to be disappointed in any matter, let it be ever so trifling.

“ The condition he stands in with his Sovereign is this: No Prince will love a Minister whom he dare not part with, and no Minister cares to be of so little importance as to be parted with at pleasure.

“ It is the plague of greatness, that he who has it, has scarce any leisure, any agreeable moments to throw away upon amusements and indolence: Even when he is doing no business, the cares of business follow him. A concern for preserving and enlarging his power; always attacked from one quarter or another, and always liable to be attacked in some weak place or another. The necessity of receiving and of making many applications, and of raising some creatures, and gaining others; of disappointing the machinations and assaults of enemies; of making many dispatches, or directing them to be made; of giving access and part of his time to such as have, or claim a right to see him, who will always be many, and always resent it if they cannot see him; and of concerting and pursuing favourite projects, must either engage him entirely, or he cannot expect to stand. Perpetual industry and anxiety are generally the terms upon which he stands; and if he is idle, or reclusive, his affairs will be in confusion, and he himself pursued with clamour, as neglectful of the public, and unequal of the trust.

“ Men may, by accidents, by conspicuous parts, by the caprice of a Prince, or by the partiality and weight of a party, arrive at greatness, without the assistance of wealth: But
wealth

enjoying an extensive fortune, void of a particularity very often distasteful to their inferiors; yet his

wealth is, doubtless, a great help to a man who would rise; and he who is careless of acquiring it, judges ill. It is one of his greatest stays, and sometimes his only one. Now, however fairly he comes by it, it is odds but part of it, if not the whole, will be ascribed to corruption. *Ill-natured comparisons will be made between what he had, which will be generally lessened; and what he has, which will be more generally exaggerated; and the fruits of private management and industry, will be called public plunder.* So that as the neglect of riches is imprudent, the accumulation of riches is unpopular. *I have known great Ministers go poor out of employment, when it was thought that their estates were immense; and what others had got, was sometimes reckoned ten times greater than it proved.*

“The last thing I shall mention upon this subject, is, *That men who have once tasted of greatness, can scarce ever after relish a private life, save such as the third Duke of Devonshire, and some others I could name.* The toil, tumult, and anxieties, inseparable from power, make them often sick of it, but never willing to leave it. Self-love tells them, that as nothing is too much for them, so they are constantly worthy to keep what they have; and as the displacing them is a contradiction to this opinion, and the putting others in their room a declaration that others are more worthy, their pride is and continues inflamed, and they are never to be cured of hatred or emulation towards their successors. So that, besides the loss of power, and consequently of homage, pomp, and submission, (a tribute always dear to mankind,) they live ever after angry and affronted; and if they have any pleasure, it is when things go wrong under their successors. Nor can old age and infirmities, unless they are such as render them utterly unfit for business, cure them of this uneasiness and painful ambition.

“This is one of the greatest curses which attend power, that they who have enjoyed it, can rarely ever after enjoy retirement, which yet they are always extolling, and seeming to long for, while it is out of their reach. In the hurry and solicitude of employment, beset with cares, fears, and enemies, they see the security, ease, and calm of recess; but are never to be reconciled to the terms, upon which it is to be had. *What! descended from on high, and from giving laws to a nation; be lost in the multitude, and upon a level with those who adored them, and see others adored in their room; others, whom probably they hated, probably despised. This is a sorrowful and a dreadful thought to ambition; and they consider their discharge as a sentence of ignominy and exile.*”

Grace,

Grace, with truth it may be affirmed, was a rare example of a Nobleman that enjoyed riches, preferments, and the highest honours, without either vanity, or any shew of haughtiness or pride to those below him.

1755. This year his Grace, at different times, was taken ill, and by degrees his illness so far increased, that before the latter end of *November* he kept generally within doors, and very seldom went abroad. However, his sickness at last was of such a nature as to occasion his death, which happened on the 5th day of *December*. In short, his death was as greatly lamented by every one, that had the honour to know him, as any of his renowned predecessors could possibly be. His corps was interred with his ancestors in their burial place, in *Allballows* church, in *Derby*.

This Duke was distinguished for two qualities which seldom meet in a Minister. There never was a more accomplished Courtier, and none, at the same time more sincerely attached to the real interest of his fellow-subjects: Equally solicitous for the glory of his King and the welfare of his country, he looked upon their interests as inseparable, nor could ever be induced either to pursue himself, or to countenance in others, any scheme which might promote the one to the prejudice of the other. No consideration could make him depart from this plan, which he invariably followed, during the whole course of his life.

His Grace, *William*, the third Duke of *Devonshire*, on the 27th of *March*, 1718, married *Catherine*, daughter and sole heir of *John Hoskins*, of the county of *Middlesex*, Esquire, by whom he had issue, four sons, and three daughters. The sons were, first, his successor in estate and honours, *William*, Marquis of *Hartington*. Secondly, Lord *George Cavendish*,

to whom his late Majesty was God-father, and who served in the Parliament, sitting in 1751, for *Weymouth*, and was one of the Knights of the county of *Derby* in the Parliament which met the 31st of *May* 1754. Third, Lord *Frederick*, to whom his present Majesty's father was God-father. Being bred in the army, after going through several subordinate commands, he was made a Colonel in the first regiment of Foot-Guards, and Aid-de-Camp to his Majesty. Upon his eldest Brother being called up to the House of Peers, he was, in *June* 1751, chosen one of the Knights for *Derbyshire*, and he served as Aid-de-Camp to him, when he was appointed Lord Lieutenant of *Ireland*. In the year 1754, he was chosen Member of Parliament for the town of *Derby*. In the descent upon *France*, under General *Bligh*, in 1759, he served, with great reputation, at the unfortunate attack of the *French* upon the *English*, at *St. Cas*; where his Lordship, bravely discharging his duty, was made a prisoner; but being soon after exchanged, he returned to *England*, and met with a most affectionate reception from his late Majesty. Being preferred to a regiment of foot, he served in the late *German War* as a General Officer. Fourth, Lord *John Cavendish*, who in 1754 was elected Member of Parliament for the united boroughs of *Weymouth* and *Melcombe-Regis*. The before named Lord *George Cavendish* is one of the Knights of the Shire for *Derby* in this present Parliament (1763.) Lord *Frederick Cavendish* is one of the Members for the Borough of *Derby*; and the aforesaid Lord *John Cavendish* is also one of the Representatives for the Town of *Knareborough*, in the County of *York* *.

* *Richard Cavendish*, Esq; of *Latimer-Abbey*, near *Chester*, in *Buckinghamshire*, is now one of the Representatives for the Borough of *Wendover*, in that county; but whether this Gentleman is related to the noble family of the *Cavendishes* we cannot say.

The daughters were; first, the Lady *Caroline*, to whom King *George I.* was God-father, who was married to *William Ponsonby*, Lord Viscount *Duncannon*, son and heir of *Brabazon* Earl of *Besborough*, of the kingdom of *Ireland*, which *William* is now, by the death of his father, not only Earl of *Besborough* in *Ireland**, but also a *British* Peer, by the title of Lord *Ponsonby*, of *Sysonby*, in the county

A short Account of the Worthy and Noble Family

* It was in *July 1739* this noble Earl married the above-named virtuous and illustrious Lady *Caroline Cavendish*, (eldest daughter of *William* the third, late Duke of *Devonshire*;) whose death was greatly lamented by her Lord, as well as by all who had the honour to know her.

The Earl has issue now living, by his late good Countess, one son, *Frederick*, born the 24th of *January 1758*, (being the present King of *Prussia*'s birth-day,) and three daughters; the Ladies *Catherine*, *Charlotte*, and *Sarah*; the eldest of which was married, in *May, 1763*, to the Honourable *Aubrey Beauclerk*, Esq; Member in the present Parliament for *Tetsford*, in the County of *Norfolk*, only son of the truly Honourable and noble Lord *Vere*, of *Hanworth*, who is a great encourager of learning.

My Lord of *Besborough* is highly valued and esteemed by the people of *Ireland*, as well as by those of *Great Britain*. In truth, it affords a pleasing view to his friends in general, that whatever high Post he sustained, he never departed from the real interest of his fellow subjects; nor did he ever fail to treat them with that benevolence and respect, natural to noble, and generous souls, like his; and these, and other friendly acts, have justly endeared him to all true Britons.

His illustrious family received their name from the Lordship of *Ponsonby*, in the County of *Cumberland*, of which they were long proprietors.

The present Earl's grandfather, *William Ponsonby*, Esq; brother and heir to Sir *Henry Ponsonby*, was created Baron of *Besborough*, in the County of *Kilkenny*, *August 1, 1721*, and Viscount *Duncannon*, and Earl of *Besborough*, *February 1, 1723*; and his Lordship's father, the late Earl, was created Baron *Ponsonby*, of *Sysonby*, in the County of *Leicester*, *June 20, 1749*. *Sysonby* lies about ten miles from *Leicester*, where my Lord has, at this day, a very good Estate, on which stands a very antient Seat, which being of latter times neglected, it is at present run much to decay.

The Preamble to his grandfather's Patent sets forth his own and my Lord's father's real worth and services, which being

remark-

of Leicester. The Countess died the 20th of January, 1760. Second, the Lady Elizabeth, married in October, 1743, to John Ponsonby, brother to the Earl of Beſborough. Third, the Lady Rachel, who married Horace Walpole, Esq; who, by the death of his father, the Right Honourable Horatio Walpole, Esq; is now Lord Walpole of Wolterton.

of the PONSONBY's of Syſonby, in Leiceſterſhire.

remarkable, and as it does great honour to this ancient, valiant, and loyal Family, is the ſole reaſon for introducing it here.

“Whereas ancientneſs of extraction, valour, unſhaken loyalty, and perſonal qualifications, do juſtly claim favour and eſteem of good and equitable Princes: And we having, with pleaſure, obſerved, that our truſty and well-beloved William Ponſonby, Esq; is deſervedly recommended to us by all thoſe titles, being deſcended of noble anceſtors of Picardy in France, who at the Norman Invaſion came into Great Britain, and eſtabliſhed themſelves in the County of Cumberland, whence his father removed, about eighty years ago, into the Kingdom of Ireland, during the diſtreſſed condition of the Proteſtant Inter-eſt there, occaſioned by the Popiſh Rebellion, and their cruel maſſacres: In the ſuppreſſing of which, his valorous actions did not only gain him the preferment of a Colonel, and the honour of Knighthood; but his other perſonal qualifications rendered him worthy the alliance of many Peers of the Realm. Nor are the qualities of the ſon leſs eminent than thoſe of his father: With the ſame good diſpoſition has he, from his tender youth, riſen up an aſſertor of the liberties and legal Government of his native country; ſignalized himſelf early, and for many years, in the army; particularly in the reſolute defence of Londonderry, when the Common Cauſe was at the laſt gasp. Having attended that whole war, and being raiſed to the rank of a Colonel, he afterwards ſerved conſtantly in Parliament, ſtrenuouſly aſſerting there, not only the public good and the eſtabliſhed religion, but likewiſe our Succeſſion to the Crown, againſt all the attempts made to obſtruct it; which laudable example, fix of his ſons and grand-ſons, at once, virtuo-uſly imitated in the ſame Senate.

“Now, that ſo many good and eminent ſervices may not remain unregarded, and that others may be encouraged to gain the rewards due to merit, we are reſolved to raiſe him, who has ſo well deſerved of us, and the Common-wealth, to the dignity of a Peer. Know, &c.”

P O S T.

P O S T S C R I P T.

WE shall here take the liberty to speak of a Gentleman related to this noble house, we mean, *Sir Henry Cavendish*, Bart. who has, by his actions, deserved extremely well of the public, and is beloved by all who have the pleasure of knowing him, and therefore worthy of remembrance.

Darbridge in *Derbyshire* was the place of his birth, and after a proper education, his affairs called him to *Ireland*: The place of his chief residence there was at first in the City of *Cork*, where he behaved so well, as to gain the love and esteem of the Citizens in general; insomuch that, upon a vacancy, they proposed to have elected him one of their Representatives in Parliament; which honour they would certainly have conferred on him, had it not been for the fear he was under, as to its proving in the end prejudicial to the Citizens (through the umbrage a certain great Personage had taken at their espousing his cause,) and that therefore, rather than they should suffer the least injury, or to be then after liable to any, on his account, he chose to decline the honour they had intended to have conferred on him, and this *Sir Harry* did, in a very grateful manner.

A Gentleman who had known him from his infancy, being in company with a friend in *Ireland* some years ago, speaking of *Sir Henry*, thus expressed himself:

“ His name (says he) is respected in the place where he was born; in *London*, he is esteemed; in *Cork*, he is highly valued; in *Dublin*, he is beloved; and, in a word, he is so honest a Gentleman as to deserve any Prefertment that may hereafter be conferred on him.”

ERRAT. in the Note in the Life of the first Duke of *Devonshire*, in the last paragraph, p. 267. for — the Marquis of *Tavistock* is now Member in the present Parliament for the Town he derives his Title from — read — the Marquis is one of the Knights of the Shire for *Bedford*.

MEMOIRS of WILLIAM,

Fourth Duke of DEVONSHIRE.

AS there are so many instances recorded in History, of those who had not only begun the race of life, but made a considerable progress in it, with universal applause, and at length have suddenly flagged, and, from being the greatest, became the meanest of mankind; for this reason it may be thought both imprudent and impertinent to attempt giving an account of a great man's life and actions, until he is arrived to the goal, that is, until he is laid in his grave, and has left such a character behind him, as may convince the world, that he was all of a piece. With what pain do we look back on the life of one, whose dawn promised the brightest day, but is unexpectedly overcast with the dark clouds of vice and folly. In this case, the highest panegyric becomes the severest satyr. However, there is no rule without an exception; and *Pliny* has set us an example, how far it is possible to speak of a great man, even in his life time, without incurring this censure; as the hero he extolled, so many ages ago, still makes the same amiable figure in History, as in his Panegyric.

It must be allowed, that the present Duke of *Devonshire* affords matter enough for a *Pliny* to work upon; but as we have not the least pretence either to the abilities or eloquence of that inimitable orator, and claim no other merit, but that of giving a plain detail of facts, such as may excite the friends of liberty and virtue to tread in the same steps, we must

‡ A

leave

2 Some MEMOIRS of WILLIAM,

leave this task to future writers, who, having already so many valuable materials collected to their hands, have reason to hope, that his Grace will make such additions thereunto, as may enable them to raise a lasting monument to his memory, not inferior to any of his illustrious ancestors.

No doubt, they will take particular notice, how early in life his Grace enlisted himself in the service of his country, on being elected Knight of the Shire for *Derby*, in 1741, after returning from his travels abroad; how indefatigable he was in acquainting himself with the nature of Parliamentary Affairs, how constant in his attendance, and how ready, on every occasion, to exert himself, both in this and the succeeding Parliament of 1747; how, by his wisdom, moderation, and address, he supplied his Father's place in the Councils of his Sovereign; who, as a distinguishing mark of the Royal Favour, on the 13th of *June*, 1757, called him up to the House of Peers, by the title of Baron *Cavendish of Hardwick*, with precedency, according to the creation of his ancestor, *William* Earl of *Devonshire*, in 1605; that in the following month he was appointed Master of the Horse, and three days after sworn of the Privy Council at *Kensington*; and when the King went to visit his *German* dominions, in *March*, 1752, was left one of the Lords of the Regency.

But all these honours and distinctions, it may be said, were no more than what was due to his birth, and that weight which the *Cavendish* family has long had, and is ever like to have, in the Administration. But surely, it must be acknowledged, that a wiser choice was never made, than in appointing him Lord Lieutenant of *Ireland* in the year 1755, at a time when so violent a spirit of opposition had broken out in the Parliament and People of that kingdom, against even the *British* Court, as might have had
very

very disagreeable consequences, and required the most consummate address, judgment, and moderation, to allay the ferment. His father's services to that country were yet recent in the minds of all; and his own connexion with the head of the *Boyle* family, joined to the opinion which every one had of his virtue and disinterestedness, gave him, as it were, a natural interest in *Ireland**. These, it must be owned, were very lucky circumstances; and it immediately appeared, on his first landing, by the reception he met with from the people, that they looked upon him as one that would entirely answer their expectations. The Addresses from both Houses of Parliament spoke in the same strain. His conduct and success in discharging the duties of his high station, and surmounting every obstacle, in such a manner as neither to disappoint his Royal Master, and yet at the same time to satisfy the clamorous and discontented, exceeded our most sanguine hopes. For when it was imagined next to impossible to restore peace to that kingdom, without its undergoing some terrible convulsion, his mild and prudent management dispelled even the clouds of disaffection, and upon his return to *England*, which was in *May*, 1756, he left them as happy and united, as he had found them distressed and divided.

1756. On the 19th of *November*, this year, the Earl of *Hardwicke*, Lord Chancellor, resigned the Great Seal.

* A late Historian, speaking of the Duke's family interest, says, "That this was the least advantage that he had. The soundness of his judgment, his address in managing, without being warped by any party, and of composing differences; but above all his disinterested candour and humanity, tempered with a dignity becoming his station, pointed him out as the only person who could allay the heats of that divided people, which had of late become outrageous and dangerous to government."

4 Some MEMOIRS of WILLIAM,

* Now to say somewhat of his conduct and behaviour in the Chancery, tho' he is yet living, and we heartily wish he may continue so for many years in health and prosperity; his Lordship, all along, whilst he presided at the head of that Honourable Court, acted in his eminent station, with integrity, moderation, candour, and the utmost disinterestedness; witness the Decrees his Lordship has made in some of the most intricate causes that ever were brought into that Court, wherein he has fully evidenced his masterly abilities, strong sense, great penetration into nature, and an uncommon judgment of the human heart. I say, those Decrees alone will stand lasting monuments of his worth and goodness, as long as Justice and Equity continue among us; and it may be further said of him, that he daily dispatched a multitude of suits in the *Chancery*, and removed, after the example of his excellent predecessor, many obstacles that delayed Judgments in that Court; and, without flattery it may be likewise said, his Lordship, by his actions, has clearly demonstrated, that he is endowed with all the qualifications Sir *John Davys* says are requisite to make a good Chancellor.

But to return; future writers, who perhaps, may give an account of the transactions we have been speaking of, (which is of much greater importance than some persons seem willing to believe,) have

* The Great Seal was immediately committed to the custody of three Lords Commissioners, to wit, Sir *John Willes*, Knt. Lord Chief Justice of the Common Pleas; Sir *Sydney Stafford Smythe*, one of the Barons of the Exchequer; and Sir *John Eardly Wilmot*, one of the Justices of the Court of King's-Bench; after this, the Seal was delivered to Sir *Robert Henley*, with the title of Lord Keeper, and, on the 25th of April, 1760, his Lordship was created a Peer, by the stile and title of *Robert Lord Henley*, Baron of *Grainge*, in *Hampshire*, and soon after declared Lord High Chancellor of Great Britain.

a noble

Fourth Duke of DEVONSHIRE. 5

a noble field before them to expatiate in, and will, no doubt, give a just encomium of the King's wisdom in sending over such a Governor, at so critical a juncture; a Governor who, animated by hereditary patriotism, had nothing else in view but the general welfare of the three kingdoms, and knew that one could not be disturbed without affecting the other. The *Irish* (whatever indecent liberties some are pleased to take in characterizing them*,) are undoubtedly a brave and generous nation; and tho' none are more violent in their passions, nor sooner inflamed at the sense either of real or supposed injuries, yet this we may with truth affirm, that there is no people under the Sun more easily led. But this depends on the prudence and temper of those at the helm. How many countries have been irrecoverably lost to their Sovereigns, through the rashness, obstinacy, and ill-timed severity of Governors.

So signal a service to *Great Britain* merited the highest acknowledgment; and when his Lordship returned from *Ireland*, all parties, tho' they agreed in nothing else, concurred in approving his Majesty's wisdom, in appointing his Grace (whose father, as we before observed in his Life, had died in *December, 1756*,) first Lord Commissioner of the Treasury, at a time when there happened a disunion between certain great Counsellors. In this important station he was no less successful than he had been in that of Lord Lieutenant. This lucrative and honourable post he filled with the universal approbation of all parties; but he held it no longer than till he saw unanimity again take place in his Majesty's Council; then he resigned it, from the same noble motive that induced him to accept of it.

On the 18th of *December*, in this same year, his Grace was elected a Knight Companion of the most

* As some of late have done by our brethren of the *North*.
noble

6 Some MEMOIRS of WILLIAM,

noble Order of the Garter ; just before he was appointed Lord Lieutenant and *Custos Rotulorum* of the county of *Derby* ; and, on the death of the Duke of *Grafton*, which happened in *May*, 1757, Lord Chamberlain of the Household ; and so he continued in that high Post till after the decease of his late Majesty, King *George II.* which happened on the 24th of *October*, 1760.

We cannot pass over so great a loss to this nation, without laying before the Reader a short detail of the character of that great and heroic Monarch. His Majesty, like his royal father, was of a grave countenance, and spoke little, but always with propriety. Besides the *French* and *Italian* languages, which were as familiar to him as his own native *German*, he was much better acquainted than his father with that which more nearly imported him, to wit, the *English*, which he had made his peculiar study, and spoke with great fluency. He was not puffed up with pageantry and vain grandeur, nor gave into superfluous magnificence ; but was an oeconomist without avarice, liberal without being profuse. He was full of spirit, and animated with that ambition which is inseparable from great souls, but submitting both to the cool dictates of reason. Whilst Electoral Prince he gave the most distinguishing proofs of his valour, at the battles of *Oudenarde* and *Malplaquet* ; as he did, after he became King of *Great Britain*, at the battle of *Dettingen* ; and, when Prince of *Wales*, convinced the world, that the mortifications he met with could not abate his courage ; and, which is a still more glorious instance of his magnanimity, upon his Accession to the Throne made it evident, that he could both forgive and forget the highest provocations. That very love he expressed for his native country, which some have so unjustly censured, is a proof of the goodness of his heart. How natural was it, in one of his disposition, to embrace every opportunity of
alle-

alleviating the sorrows of a people, who had so much reason to bewail the absence of such a Sovereign *. But this affection for his *German* Dominions never pushed him so far as to make him neglect the real interest of *Britain*. His principal aim was to maintain the peace and balance of *Europe*, to make commerce flourish, and to render the nation, which Heaven had called him to govern, one of the most respectable and powerful in the world. In this exalted station, no Prince ever applied himself with more indefatigable pains to the affairs of state. He read a great deal, had a quick apprehension, and a wonderful memory. This made him perfectly acquainted, not only with the *British* History, but that of other nations; insomuch, that he knew the views and interests of every state in *Europe*; and the plan he had formed for his conduct was not to promote any unjustifiable ends, but to advance the happiness of his subjects in particular, whilst the general good of mankind claimed some share of his attention †. His

* Hear how their Sovereign expressed himself to the *British* Parliament, when he heard of the *French* troops behaviour to them. *The cruel oppressions and depredations (says our Monarch) committed by the French, have exhausted and ruined the state of my Electorate, and its revenues.* Both Houses resented those cruelties. The Lords, particularly, in their Address, “declared their unfeigned and deep concern for the miseries those people suffered.”

† But to shew the people's great affection, even at that very time, for their Sovereign, when news was brought of some disaster that had attended us abroad, there was scarce one word heard against him; on the contrary, all parties, strove to outdo each other in shewing their duty, loyalty, and respect, for his Majesty and Royal Family; which was so pleasing to the good old Father of his people, that he acknowledged it in the following remarkable words:

“*Unprosperous events of war have drawn from you, my subjects, signal proofs how dearly you tender my Honour, and that of my Crown; and they shall not, on my part, fail to meet with just returns of unwearied care, and unceasing endeavours, for the glory, prosperity, and happiness of my people.*”

unwea-

8 *Some MEMOIRS of WILLIAM,*
unwearied application to the various duties of his exalted station can never be sufficiently commended.

Those miscarriages, which, thro' the fatality of the times, had somewhat tarnished the lustre of *Britain*, were so amply repaired, before his Majesty's decease, that he lived to see both his fleets and armies triumph over those of our perfidious enemies, and left the glorious work to be completely finished by his Royal Grandson.

To sum up his character in one word, whether we consider his private or public virtues, it must be owned, that there never was an *honest* man, a better King, nor one who, during his long reign, lived more beloved, nor died more lamented.

We have now traced the present illustrious descendant of Sir *William Cavendish*, thro' a variety of stations and accumulated honours, to the meridian of life; and, if we may judge of any man's future deportment from his invariable conduct for many years past, we have all the reason in the world to believe, that his Grace will leave the same untarnished character behind him as the rest of his forefathers; that is, of having always preserved the same inviolable attachment to the constitution of his country, and, whether in or out of place, the same unshaken affection and loyalty to his Sovereign.

* The present D—e has hitherto acted the same part as his late G—f—r did, in 1710 and 1717. His E—r weathered the storm that was raised, (owing to a difference that had arisen between the two heads of the *W—* party,) by continuing to steer his own course by a certain rule, which he at first laid down to himself, as to conducting it, and retired, after the weather became more serene, to a pleasant retreat, where he ended his days in peace and content. And tho' the state-vessel has been of late driven to sea, occasioned by stormy and tempestuous winds, yet it is hoped that some good pilot will soon be prevailed on to get on board, and then there is no doubt but she will again be conducted into a safe harbour, after which all will be well.

What

What we have hitherto said of the Duke, is only to be looked upon as a rough sketch of his public virtues, and, so far as it goes, may serve as hints to future Biographers for drawing a masterly portrait of the Patriot, the Statesman, the Minister, and the Courtier. As to his private virtues, particularly that god-like one, which comprehends every amiable quality that can dignify human nature, we mean his extensive charity, let the *London Hospital*, to whose erection his Grace was a most generous contributor, of which he has long been President, and is a perpetual benefactor to it; let the Hospital of *St. Bartholomew*, of which he is a Governor; let these Asylums of the Wretched, speak. Many other instances might be produced; and many more, no doubt, there are, that are seen by none but the eye of Heaven, and such distressed objects as experienced the effects of his benevolence. On which head we shall say no more, than that, if his Grace thus continues placing his money, as we find he does, in a fund which yields such immense profit, tho' few Great Men choose to be concerned in it, he must unavoidably grow one of the richest men of his time, as he may be sure of receiving an hundred-fold interest*.

There is not a more melancholy reflection, than the thoughts of being deprived of a blessing we are once in possession of, and from whose continuance we propose to ourselves a great deal of happiness. There are, it is true, many noble families recorded in our annals, from whom posterity had every thing to hope for, as their virtues seemed entailed with their estates and titles; but how many of these are now totally extinct. Indeed, the loss would be irreparable, had we not still some others left to supply their place. And, no doubt, it must give great pleasure to every friend of his country, to be informed, that, as there

* Lay up your treasure in heaven. St. Matth. vi. 20.

seems to have been a peculiar Providence, in preserving and shedding its benign influence on the whole *Cavendish* family, from its origin to this moment, so may we flatter ourselves with its long continuance among us, as his present Grace is not only in the prime of life, and, in all probability, will exert, for many years to come, those great abilities, and other noble qualities, for which he has been hitherto distinguished, but is blest with a numerous and hopeful issue, by his late Lady *Charlotte Boyle**, every one of whom have the principles of virtue so deeply rooted in them, both by nature and education, that we need be under no apprehension of their ever doing any thing to tarnish the lustre of their birth, or degenerating from the example of their illustrious ancestors.

How delightful must the prospect be of such an issue, descended from such a father and such a mother; and, as *Britain* has so much cause to glory in having such a race of Patriots, what may she not expect from future *CAVENDISHES*.

* Her Ladyship was sole heiress, by the death of her sister, of the late Earl of *Burlington*. The names of her children are as follow: 1. *William*, Marquis of *Hartington*, born December 24, 1748. 2. Lady *Dorothy*, born the 17th of August, 1750. 3. Lord *Richard*, born the 19th of June, 1752. 4. Lord *George Henry*, born the 27th of February, 1754. Her Ladyship died the 8th of December, 1754. III

E R R A T A.

Page Line

2. 19. for 1757 read 1751.

5. 6. for three read two.

16. 25. for 1756 read 1755.

In the Life of CHARLES CAVENDISH, Esq;

Page Line

19. 1. for choice read command.

ERRATA in the Life of the Third Duke.

Page Line

3. 17. in the Note, for has read have.

14. 11. after the add late.

15. 13. for that by the opponent read the other.

17. 2. for soon read partly.

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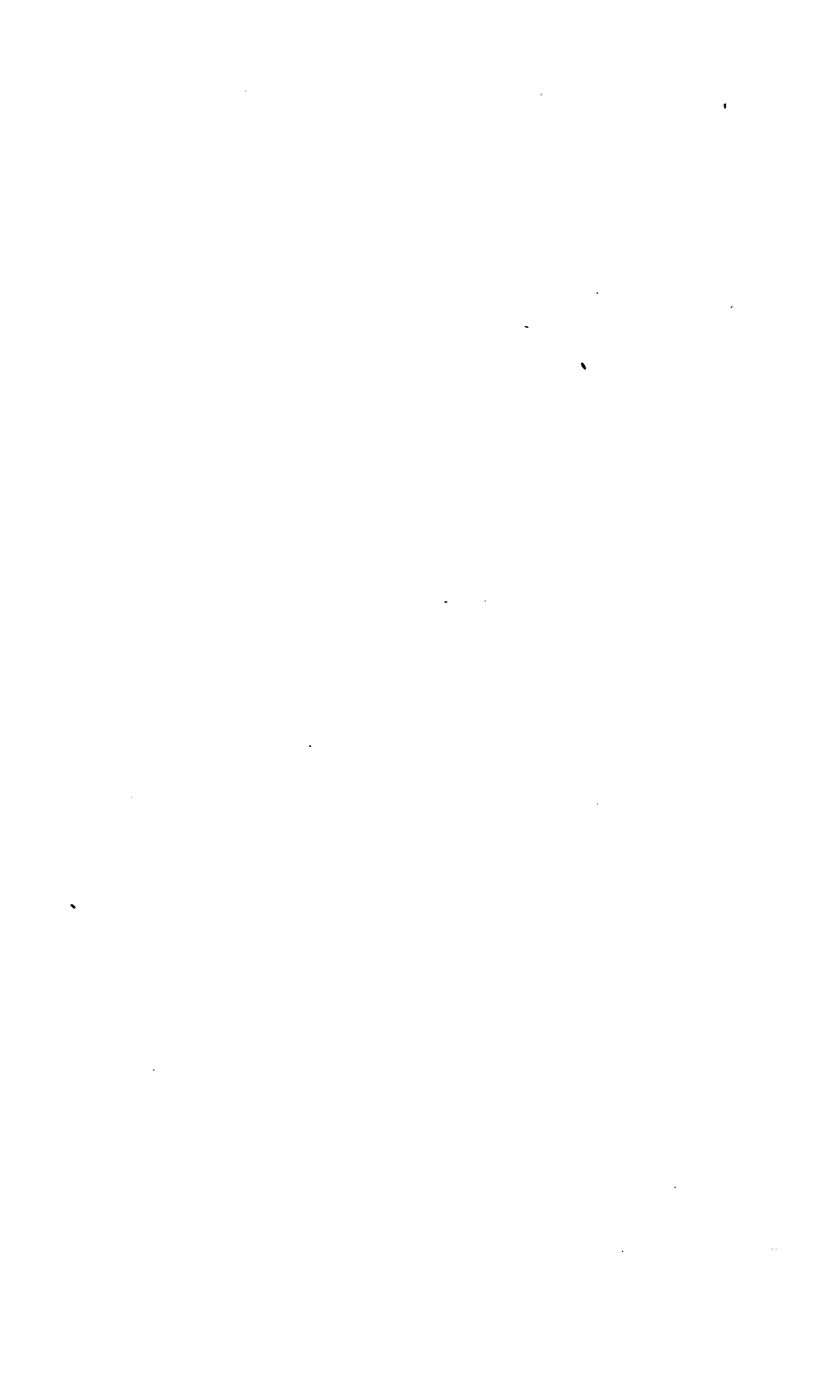
18. 13. for the Courts read that Court.

59. 20. in the Note, for are constantly read think themselves.

F I N I S.

JR
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JUN 15 1951

